United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, THURSDAY, JUNE 14, 2007 No. 96

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

The PRESIDING OFFICER. Today's prayer will be offered by Pastor James E. Sturdivant, Sr., Faith United Ministries, Washington, DC.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Our Father and our God, in whose presence we enjoy the blessedness of life, we humbly call upon You. We acknowledge our limitations and total dependence upon Your strength, wisdom, insight, and direction. Hear our prayer, O God.

As we come to the opening of this session, we are mindful of Your admonition that we are subject to the governing authorities, their power is from You, and that we are to pray for them. It is for this reason that we commit these men and women, our Senators, to Your care. Please give them the grace to grapple with the difficulties of life, law, and legislature. During this season of transition, times of anxiety, we ask for the wisdom of King Solomon in handling issues that affect the welfare of the masses.

Continue to guard and protect the families and the loved ones of these, our officials. Allow these families to be a strong support system at home after long hours in these hallowed halls. We trust You to keep our Nation, we trust You to guide our leaders, and grant us Your peace.

This is our prayer. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 14, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, there will be no morning business today. Following the remarks, if any, of myself and Senator MCCONNELL, the Senate will resume consideration of the energy legislation.

There is currently pending a Bingaman first-degree amendment regarding renewables and a Domenici second-degree amendment on the same subject.

I am going to be meeting with the managers of the bill as soon as possible to find out how we are doing and what they think can be done to move us toward finalizing this bill. We have, in Senators BINGAMAN and DOMENICI, two real professionals in this body. They are both from the same State, both on the same committee, one is chairman and one is ranking on the committee, and that has gone back and forth in recent years. So I am confident we can move toward resolving this issue.

The other issue that is difficult that we need to work on is dealing with the efficiency of automobiles, the CAFE aspect of the bill. There should be an amendment laid down by Senator LEVIN on that matter. He thought he could do that today, so perhaps, when we dispose of this, we can move to that.

These are the two big issues, as I see them. There are other important issues, such as coal and gas, that a number of Senators want to debate, and we can do that. It is an important bill and, I repeat, a bipartisan bill. This is not a Democratic bill or a Republican bill. The only matters that came before the Senate were bipartisan bills that were reported out of the various committees, and we put those together and that is what is now on the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, I will shortly be making a statement in my leader time related to the Burma sanctions bill, which I introduce every year at this time, but I need to first consult with the majority leader.

For the moment, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The minority leader is recognized.

Mr. MCCONNELL. I thank the Chair.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

(The remarks of Mr. MCCONNELL and Mrs. FEINSTEIN pertaining to the introduction of S.J. Res. 16 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 6, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

Pending:

Reid amendment No. 1502, in the nature of a substitute.

Reid (for Bingaman) amendment No. 1537 (to amendment No. 1502), to provide for a renewable portfolio standard.

McConnell (for Domenici) amendment No. 1538 (to amendment No. 1537), to provide for the establishment of a Federal clean portfolio standard.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. ROBERTS. I ask unanimous consent that I may be recognized for 10 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CRAIG THOMAS RURAL HOSPITAL AND PROVIDER EQUITY ACT

Mr. ROBERTS. Mr. President, today I am very proud and honored to cosponsor legislation along with my colleagues, Senators CONRAD, HARKIN, and several Members of the Senate Rural Health Care Caucus, to honor Senator Craig Thomas.

The bill is the Craig Thomas Rural Hospital and Provider Equity Act. As we all know, last week the Senate lost a steady hand and man who has done much for his State of Wyoming. Craig was dependable in the finest sense of the word. He was the epitome of what I believe a Senator should be.

On a personal note, he was not only a colleague but a dear friend, and I will cherish that always. He was also a fellow marine. In this case, Semper Fidelis, ''always faithful,'' is always appropriate. If anyone faced trouble in their life, the one person they would want by their side riding shotgun would be Craig Thomas. The people of Wyoming and all of Craig's colleagues knew that he fought for rural America and always put the needs of his State above all else.

On the health care front, Craig was truly a champion for strengthening our rural health care delivery system and provided much needed relief to our hospitals and other providers in our rural areas. He served for 10 years as the cochair of the Senate Rural Health Care Caucus. He actually took the reins over as cochair after my fellow Kansan, Senator Bob Dole, retired from the Senate. As I know personally, certainly, it is hard to follow in the footsteps of Senator Dole. But Craig Thomas did this with great ease and with great pride. His steady leadership put the caucus on the map, and he made great strides in showing all of our colleagues the true needs of rural health care. I know the members of the caucus will miss him and his leadership greatly.

One of the biggest accomplishments for Craig in the Rural Health Care Caucus was passage of the Medicare Modernization Act of 2003, which provided a big boost to our rural hospitals and our providers. Never before have I seen such recognition and support for our colleagues from all geographical areas—large, small, urban, rural—for including these badly needed rural health care provisions.

However, you would never know that it was Craig Thomas's hard behind-the-scenes work that caused these rural health care provisions to be included in the Medicare bill. Craig Thomas was more concerned with getting the work done rather than taking any credit. So instead of taking individual credit for his hard work and dedication on the Medicare bill, Craig simply applauded the entire Senate Rural Health Care Caucus and patted everybody else on the back—so typical of Craig.

However, Craig knew that while the passage of the Medicare bill was a giant step for rural health, we still have much more work to do to ensure our rural health care system can continue to survive. That is why we are proud and honored to carry on his legacy by introducing the Craig Thomas Rural Hospital and Provider Equity Act.

Craig and his staff have worked extremely hard over the last 6 months, getting this bill together, working with other members of the Rural Health Care Caucus to identify their top priorities. I thank his health staffer, Erin Tuggle, for being such a champion alongside of Craig. I know my staff worked extremely closely with Erin, as many others in the Senate staff have done. I have a great amount of respect for her hard work. Erin, we are proud of you and we thank you for everything you have done on behalf of rural health care.

We had actually planned to introduce this legislation last week with Craig leading the charge, but now Senators CONRAD, HARKIN, and I and the other members of the Rural Health Care Caucus will do our best to lead in his absence. I have made a personal commitment to making sure we get this bill done and ultimately provide the much needed relief to our rural communities.

The Craig Thomas Rural Hospital and Provider Equity Act recognizes that rural health care providers have very different needs than their urban counterparts and that health care is not one size fits all.

The Craig Thomas Rural Hospital and Provider Equity Act of 2007, makes changes to Medicare regulations for rural hospitals and providers recognizing the difficulty in achieving the same economies of scale as large urban facilities. This legislation equalizes Medicare disproportionate share hospital payments to bring rural hospitals in line with urban facilities. This bill provides additional assistance for small, rural hospitals who have a low volume of patients. Often, these hospitals have trouble making ends meet under the Medicare payment system.

The Craig Thomas Rural Hospital and Provider Equity Act also provides a capital infrastructure loan program to make loans available to help rural facilities improve crumbling buildings and infrastructure. In addition, rural providers can apply to receive planning grants to help assess capital and infrastructure needs.

The bill extends to January 1, 2010, two incentive programs aimed at improving the quality of care by attracting health care providers to health professional shortage areas. The first is the Medicare Incentive Payment Program, which provides 10 percent bonus payments to physicians practicing in shortage areas. The second is the physician fee schedule work geographic adjustment, which brings rural doctors' Medicare fee schedules for wages more in line with urban doctors'.

This bill also recognizes that other providers play a great role in the rural health delivery system. Our bill increases the payment cap for rural health clinics to keep them in line with community health centers, provides a 5-percent add-on payment for rural home health services and provides a 5-percent add-on payment for ground ambulance services in rural areas.

One of the provisions in the bill Senator Thomas particularly championed is a provision to allow marriage and family therapists and licensed professional counselors to bill Medicare for their services and be paid the rate of social workers.

Currently, the Medicare Program only permits psychiatrists, psychologists, social workers, and clinical nurse specialists to bill Medicare for mental health services provided to seniors. However, most rural counties do not have a psychiatrist or a psychologist. Marriage and family therapists and licensed professional counselors are much more likely to practice in a rural setting and are often the only mental health professionals available.

Finally, this bill uses technology to improve home health services and quality for care by creating a pilot program providing incentives for home health agencies to purchase and utilize home monitoring and communications technologies and facilitates telehealth services across State lines.

Mr. President, today I am proud and honored to co-author this bill on behalf of Craig Thomas. We all miss him greatly as a personal friend, confidant, and strong supporter. Our thoughts and prayers are with his wife Susan, his sons Patrick and Greg, and his daughter Lexie. With this legislation, Craig is still with us.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask for 2 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Senator, let me say before you leave, first, I would appreciate it if you would add me to the legislation, and, second, I thank you so much for doing this, for offering this piece of legislation. That is the best we can do. We can't bring him back—we can't do much. We just hope everything will go well with his family, and this will be something that in truth indicates how much we cared for him and what a true gentleman he was—strong of will and yet very kind and decent. We want to do this in his behalf. Thank you for doing it.

Mr. ROBERTS. Mr. President, I would like to associate myself with the remarks of the distinguished Senator from New Mexico, who is himself a strong champion for rural health care, and thank him very much for those personal remarks that are shared by every Member of this Senate.

I thank my colleague.

Mr. DOMENICI. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me just recount the state of play and where we are. I have just spoken to my colleague, Senator DOMENICI. I advise all Senators and their staffs we are still hung up on the two proposals that relate to requiring utilities to produce a larger amount of their energy from renewables. The amendment I offered, which is designated the renewable portfolio standard, requires 15 percent for renewable sources. The amendment offered on behalf of Senator DOMENICI, which has a different base against which it is applied—but it has a requirement of 20 percent against that different base and has a wider list of ways that people can meet that requirement, a wider set of options available—is a second-degree amendment to my amendment.

It would be my hope that we could get a vote on both amendments today and move on to other items on the bill. This is a very important part of what we are trying to accomplish with this legislation, so I hope very much we can do that.

I do have a unanimous consent request that I will propound at this point.

I ask unanimous consent that the time between now and 11 a.m. this morning be for debate with respect to the pending amendments, with the time equally divided and controlled between myself and Senator DOMENICI or our designees; that no other amendments be in order prior to the vote; and that at 11 a.m., without further intervening action, the Senate proceed to a vote in relation to the Domenici second-degree amendment, to be followed by a vote in relation to the Bingaman amendment, as amended, if amended.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DOMENICI. I object, Mr. President.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BINGAMAN. Mr. President, in light of the objection, I have no choice but to move to table the Domenici amendment, which I intend to do sometime after 11 o'clock. I understand there are committees meeting right now in important sessions, so I am not going to make that motion right now, but I expect to sometime after 11 o'clock. Then the Senate will be able at that point to go on record as to their views on the Domenici amendment.

The ACTING PRESIDENT pro tempore. The senior Senator from New Mexico.

Mr. DOMENICI. I want all the Senators who are concerned about this legislation, concerned about what they think might happen that is not good if, in fact, the Bingaman portfolio mandates become law, to understand I am holding down the amendments. Certainly we can, if they wish—many of our Members do wish to—not let the Bingaman amendment come up for a long time. We can do that. But we cannot then keep Senator BINGAMAN from tabling my amendment. There will be a motion to table, if that is what he desires to do, sometime before noon, if that is the time he desires. I wish he wouldn't do that. I would prefer we have a vote on ours and a vote on his. We have asked for that, side by side, with 60 votes on each one. That would be satisfactory to me. But that doesn't seem to be satisfactory to Senator BINGAMAN, which I thoroughly understand.

With that, those who want to speak against Senator BINGAMAN's amendment or in favor of the Domenici amendment, we gladly, on our side, accept anything you would like to say. Come down here before 11, or shortly after 11, and you will be heard. For those who want to be part of what is normally called a filibuster, or delaying tactic, and have asked me to be here with you, I do not mind doing that. In fact, that is my job.

I think some of you should come down and speak and be heard on the matter. I wish you would.

I yield the floor.

The PRESIDING OFFICER (Mr. OBAMA.) The Senator from North Dakota.

Mr. DORGAN. Mr. President, I wanted to speak in favor of the Bingaman amendment. I have worked with Senator BINGAMAN not just in this iteration of our energy policy choices but also previously as a member of the Energy Committee when we put together an EPAct 2005.

My belief is we ought to manifest change here, and the change with respect to the proposal offered by my colleague, Senator BINGAMAN, is to require that 15 percent of the electricity that we would generate in the future would come from renewable energy sources. That is change.

I do wish to say to my colleague from New Mexico, Senator DOMENICI, we work together on the Energy and Water appropriations subcommittee, and we have a good working relationship. I do not believe he needs to in any way injure or demolish the Bingaman amendment in order to achieve his goals because, frankly, Senator DOMENICI has pushed very hard, for example, to advance the nuclear energy industry in this country.

In conversation with him, as I have told him, I believe we are going to see additional nuclear energy power in this country because we now come to a different intersection. That intersection includes energy and climate change. As a result of climate change being a part of this calculation, I think there will be some additional nuclear energy in our country. I might say that Senator DOMENICI has made a substantial amount of progress in recent years, both on the policy side and also the appropriations side, in advancing those issues.

So the point I would make is this: I do not think one has to in any way injure what Senator BINGAMAN is doing in order to accomplish the other pieces that Senator DOMENICI wishes. Because of that, I do not support the Domenici amendment which I think injures the center of what Senator BINGAMAN is trying to do, because I support the renewable portfolio standard. I do not particularly like that name because it is not a very identifiable name. I used to call it homegrown energy. But whatever it is, it is saying: We need a change.

What is that change? Well, let's decide that a portion—15 percent—of our electric energy in this country shall come from renewable sources. We have the capability of producing renewable energy from a variety of sources: wind energy, biomass, solar, and others. There is great promise in a number of these areas. Take a look at what Europe is doing in solar energy. Some of the very large solar energy applications are very promising and exciting, bringing prices down with substantial widespread development.

Let me just mention wind energy for a moment. I know some have said this is only about wind energy, but that is

not the case at all. But wind energy does have substantial potential. Taking energy from the wind, using the new, advanced, highly capable turbines, and using that energy to produce electricity—what a wonderful thing that is. In fact, it is not even a new idea. Go to a farmstead that has long since been abandoned and take a look at what the homesteaders did on their farmsteads. They used their wind and their wind-charger devices to pump water to produce some electricity. This is not a new idea, but the new part of it is the unbelievable technology leap in turbines, to be able to put up these wind towers and take from the wind the energy through these turbines to produce electricity and extend America's energy supplies.

Frankly, you can do even more with them, if you like. For example, we have a project in North Dakota that I have helped create that I am very proud of. We are taking energy from the wind to produce electricity and using that electricity in the process of electrolysis—separating hydrogen from water and creating a hydrogen fuel and storing the fuel. So think of that. Use a turbine to take energy from the wind and produce hydrogen fuel. That is pretty remarkable. There is so much we can do. Now, I am talking about wind, but you can talk about biomass, you can talk about wood chips, you can talk about all of the biomass that is available in all parts of the country.

I know some have said, when talking about wind, that there are certain parts of this country that have a fair amount of wind, other parts do not have as much, and in any event, it is an intermittent source of energy. That is true, but that does not deny the fact that there are other kinds of renewable sources of energy, including biomass and other forms of energy, that can be used to meet this new standard we ought to be embarking upon. For example, we ought to be encouraging solar energy. That is why this amendment by Senator BINGAMAN makes so much sense.

There is this old saying: If you do not care where you are, you are never going to be lost. Well, that is true. I mean, if you do not set some standards, you are never going to wonder whether you got there. If you did not decide where you were going and did not care where you were, I guess you will never come up short, will you? But I think the entire goal here of trying to put together a new energy policy ought to be change, and change with respect to the production of electricity, in my judgment, would be to say: Let's require 15 percent of our electric energy to come from renewable energy.

Now, frankly, a lot of the utility companies around the country are moving aggressively in those areas. I mean, they are moving aggressively in pursuit of that kind of policy. I commend them. Boy, I think many of them are moving in a way that is something they deserve great compliments about. They understand renewable energy. Yes, even intermittent sources of energy, if you put them together in different ways, can provide almost a stable source of baseload.

So I think this amendment is one of the most important amendments on this Energy bill because it represents profound change. We have only 2 or 3 percent of the electricity in this country now produced by renewable sources of energy. We can just blithely go and act as if, you know, things never change and we don't have to worry, we can just be happy and decide we don't want to change in this area, or we can decide now that as we debate the policies, let's try to develop fundamental change. That is what the Bingaman amendment does.

I understand the resistance to it. I understand there is always resistance to change. That is just a fact. There was an old codger who was once interviewed by a radio station. He was 80-something years old. The radio reporter said to him: Well, you must have seen a lot of changes in your long life. He said: Yep, and I have been against every one of them. Easiest thing in the world to be against change. In many ways, it is the most natural thing in the world to be against change.

There are two changes here. The change with respect to the 15 percent—that change makes great sense. Senator DOMENICI is also pursuing change in a different way. I think that makes some sense, moving in other areas, but that should not be done in a way that injuries the Bingaman amendment because I think, as I indicated previously, this issue of clean energy, which represents the addition of more hydropower, which I support, which represents the understanding we are going to have additional nuclear energy, which I think most in this body understand given the intersection now of climate change and energy—but that ought not and does not have to come at all at the expense of what Senator BINGAMAN is promoting with respect to fundamental change in the construct of the electric energy that is delivered around this country.

Mr. President, it will be a profound disappointment if we go through a second round of energy policy discussion on the floor of the Senate—we did it a couple of years ago; we are doing it now—it will be a profound disappointment if we are not able to enact what is called a renewable energy standard or renewable portfolio standard. I think one would be able to look at this and say: Well, yes, you talked about energy. Yes, you did some things that were good. But you missed a very important opportunity. This legislation was brought the floor of the Senate on a bipartisan basis; that means the absence of partisanship.

Senator BINGAMAN and Senator DOMENICI, both people who know a lot about energy, both have been leaders of the Energy Committee—I have worked with both, and have great regard for both of them. So we did not, in the Energy Committee, push this amendment to have a renewable portfolio standard because we knew it would cause a division in what was brought to the floor of the Senate. I think it was almost unanimous in the Energy Committee, Republicans and Democrats. Now there is a division. I don't think so much that it is Republican or Democratic, but there is a division with respect to this larger question: Should our electric energy reflect a change in how it is produced? Should we require those who produce electricity in this country to produce 15 percent of it from renewable sources—solar, hydro and wind and biomass and so on? The answer ought to be a resounding yes. It ought to come in a chorus from this Senate because it reflects exactly the right kind of change.

The question my colleague, Senator DOMENICI, is asking with his second-degree is one that, in my judgment, I would prefer he ask without injuring the Bingaman proposal. I don't think we have to try to defeat a 15-percent requirement in order to say we believe there are constructive choices ahead of us with respect to other forms of energy.

That is why I hope—I know there is this discussion about, we ought not to have two votes, a vote on the Bingaman amendment and a vote on what I believe is a second-degree, and each should require 60 votes. I don't support that at all. That does not make any sense. Let's try now to do two things. Let's try, in this area of constructing energy policy, to pass the Bingaman amendment which reflects real change. The construct of our electric production in this country ought to be 15 percent from renewables. If we cannot do that, then we are not going to make great progress in changing energy policy. After we do that, I would hope we could talk about Senator DOMENICI's aspirations. Could we use more hydropower? Sure. Do I support that? Yes, absolutely. Are we on the road to additional nuclear energy? Absolutely, and much to the credit of his work in the authorizing and the Appropriations Committee. But that need not be done at the expense of a policy that says: We ought to, as a matter of course in this country, require 15 percent of our electricity to come from renewable sources.

You know, this whole energy issue is interesting. I mentioned the other day that we just take it all for granted. Every single day, we get up in the morning and we just flip a switch; normally it is down, we put it up. All of a sudden, there are lights. We plug something into a wall which looks like an ordinary wall, with a couple of holes in it, and all of a sudden, you can shave or you can run a hair dryer, you can run an electric toothbrush. Through the rest of our entire day, it is all about energy. We just take it for granted until it does not exist. When that energy does not exist, our lives change.

The water is not hot—there are so many things in our lives that come from energy, and we just take it all for granted.

Sixty percent of our oil comes from off our shore, much of it from very troubled parts of the world. We want to deal with that. We produce a substantial amount of electricity, and we now understand there is an intersection between the energy production and also climate change in our country that we have to address, not just in our country but on this planet. So we bring a bill to the floor that has portions of each. This is not so much a climate change bill as it is an energy bill, but it reflects in the bill itself—recognizes where we are headed as a Congress with respect to all of it.

I have said previously and I believe that we will continue to use fossil fuels—coal, oil, and natural gas. That is just the fact. The question is not whether we use them; it is how we use them. That is why some of us are offering amendments. I will work on the appropriations side on the issue of clean power and the issue of clean coal technology and so on. But even as we do that, as we decide we will continue to use fossil fuels, we should not embrace the same old nonsense we have heard for decades around here; that is, real men dig and drill. If you are a real man, you dig and drill. If you are talking about renewables, somebody can pat you on the forehead and say: Good try. Its kind of a softheaded thing to be talking about, but it does not have the equivalence of understanding that you need to dig and drill for America's future. Yes, we need to dig some. Yes, we need to drill some. We are going to use fossil fuels. But we need to understand that renewables are no longer just some sort of sideshow. Renewable energy is a significant part of our capability. If we do not exercise that capability and use it in a way that benefits our energy supply and also benefits the climate change issues we confront, then we will have fallen far short of what we should do.

I see my colleague from Idaho is here. I wanted to mention that he has spoken on the floor about the need to increase supply, and he and I agree on that. We introduced a piece of legislation called the SAFE Act which supports increased automobile efficiency. It also supports increased production of fossil fuels, of oil.

I see Senator CRAIG in the Chamber. He and I are filing an amendment that deals with the increased production recommendations we had previously made in legislation that is called the SAFE Act, Security and Fuel Efficiency Energy Act. It would authorize additional production, particularly in the Gulf of Mexico where the greatest potential production exists. From my standpoint, Senator CRAIG and I have had long discussions about this. We have filed the amendment. My expectation is I would not call that particular amendment up. From what we have learned in the Chamber, I don't think we have the capability to get the votes for that particular amendment.

I believe filing it is important to say this: We need to do a lot of things well, and we need to do a lot of things right in order to address the energy issue. Part of it is conservation. Part of it is efficiency. Part of it is production. There exists substantial additional production capability in the Gulf of Mexico that is untapped that I believe we ought to consider for additional production. Senator CRAIG and I have worked on that.

The amendment is filed. It is likely we will not call it up for consideration because we do not have the capability to get that enacted in the Senate. Everything has a maturity date, and this is short of that date. But because the Senator from Idaho came on the floor, I wanted to mention that important issue.

Energy legislation that works for this country is balanced legislation which balances a range of issues.

I am happy to yield to the Senator.

Mr. CRAIG. I thank the Senator for yielding. I appreciate the filing of that amendment.

What Americans are frustrated by—and I think the Senator realizes that—is the lack of balance. He and I have said that. We can conserve and we can change and we can adjust and we can adapt, but we also have to produce, and that brings the balance. I think what you and I did very early this year helped drive the debate that is on the floor now, when we looked at biofuels and efficiencies and production in the SAFE Act and began to argue and articulate those points of view. I thank the Senator for filing that amendment because that completes a very necessary package that brings us to the reality of what Americans want from their energy portfolio.

Mr. DORGAN. Mr. President, let me thank my colleague. I have been pleased to work with him. Both of us have been putting together a piece of legislation we introduced earlier this year. We believe there needs to be some significant balance. We support conservation. We support efficiency and additional production, all with appropriate safeguards and restrictions.

Finally, the amendment offered by Senator BINGAMAN, I believe Senator BINGAMAN and Senator DOMENICI, the chairman and ranking member of the Energy Committee, have done a good job in bringing a bill to the floor that allows us early on this year, in June, to debate an energy policy so we can get something through the Congress. This is a good bill. It is not the best bill, necessarily, but it is an awfully good bill. I commend their work. I believe we will lose something important if we get involved in this debate about the Bingaman amendment, the 15-percent RPS, and we decide we can't move in that direction.

There is a Cherokee Indian chief who once said: The success of a rain dance depends a lot on the timing. Timing is everything. That is especially true in a public policy debate. We have been at this for a long while talking about a requirement, a mandate that a certain portion of what we produce for electricity come from renewables. The only way we are going to get there is to pass legislation to do it. Senator BINGAMAN proposes—and I support, as do others—a 15-percent requirement. It adds to the bill. It creates an important public policy change that will add to this bill in a way that tells the American people: We are about constructive change for energy security. I hope very much we can pass this amendment.

People need to understand, while Senator DOMENICI has offered his as a second degree, some of what he is trying to do makes a lot of sense to me and is being done in other venues and should be done in other circumstances and can be done exclusive of the Bingaman amendment. What he aspires to do and what I support, in many cases, ought not be done at the expense of obliterating the 15-percent RPS that Senator BINGAMAN and I and others are trying to get done. I hope we can move on at some point, have an up-or-down vote on the Bingaman amendment, and add something in policy to this energy bill that all of us will be proud of in the future.

There are many utilities moving in this direction, probably not quite this aggressively, but they are moving in this direction because they too believe this is essentially good public policy. My hope is the Bingaman amendment will be approved by the Senate, perhaps today, and all of us will believe we have significantly strengthened the Energy bill we are considering today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, the debate that has had the Senate occupied for the last several days is a fundamentally very important debate, for not only this Senate but certainly for the American people. There are a variety of things that have grasped the attention of the American consumer at this moment. Obviously immigration has been one, and we have been aggressively involved in that in the Senate the last month. The other thing happens weekly, when that consumer goes to the gas pump and pulls his or her car up and fills it. All of a sudden, they pay a $45 or a $50 or a $60 or a $70 fuel bill. They say: My goodness, how am I going to readjust my family budget to fit these kinds of needs?

The broad bill we have before us is in part attempting to address that issue. There is no question about that. We are working very hard to get this country back into the business of production but in a diversified way. That is important. We should not be held hostage by foreign energy suppliers. Yet over the years we have drifted into that environment for a lot of reasons, some of them of our own doing, because we constantly restricted our own ability to

produce and we have set standards that make it much more expensive to produce. Some of that production has gone offshore. But we have also grown, and we demand more. We have larger cars, and that is our choice in the marketplace.

At the same time the American consumer is being hit by pump shock today, or nozzle shock, whatever you want to call it, in the reality of what we are about.

On the electricity side of the issue—because that is a bit more subtle, because that bill doesn't happen every day or every other day or twice a week at the pump by the digits rolling in the pump to show you what it is going to cost you—it comes once a month in a power bill or it may even be automatically deducted from your checking account. The subtlety of energy costs from the electrical side are less, but they are still very real. In creating an abundant electrical market, we ought to be extremely careful that we don't limit it in a way that continually drives up the cost of electrical production.

We have said, and we are continuing to say, the old concepts of electrical production are largely out or at least they aren't as clean as we want them to be. Because in the context of this whole energy debate, several years ago entered the concern about climate change, therefore, the emission of greenhouse gases that some believe are a major contributor to the warming of our globe. That is in dispute. I believe it is legitimately in dispute as to what or how or in what volume greenhouse gases play to climate change and warming, but the reality is, Americans say today: It has to be clean, or you shouldn't produce it. So we are now on the floor debating, if you will, cleanliness. Some years ago we started talking about that and we said: Well, the only way, 10 or 12 years ago, you could get clean into your electrical production was wind and solar.

In the Clinton years, because of the environmental movement and the power they had over that administration, they no longer said hydro is allowed to be considered a renewable or a clean fuel. It is an anomaly of the past, and it dams up rivers and changes the ecosystems of aquacultures. We can't go there anymore. So they pulled hydro out of the mix and out of the blend. As a result, it doesn't get fitted into the environment of a renewable portfolio standard of the kind we are debating today.

What evolved out of a 1990s debate to today is a standard we call RPS the Senator from New Mexico has introduced, and it is largely a wind standard. Yes, it includes biofuels, but it is dominantly driven by wind today. It creates a unique niche in the electrical market for wind, and it subsidizes wind. It requires that to meet the standard, you pretty much have to go wind.

I have not disagreed in total with it in the past, although I have opposed it because I think it is an arbitrary act on the part of Government to distort the marketplace. But at the same time there is no question, through tax subsidy, a tax credit, that we have, in fact, driven the marketplace toward wind. That was then. What is now?

The world has changed since the mid-1990s, since the concept of RPS. But we are still here having a 1990s debate when we ought to be having a 2010 and a 2020 debate. That debate is not all about renewable and all about wind. It is partially about it, but it is not all about it. Today it is about wind, biomass, biofuels in a lot of forms, nuclear—clean, nonemitting sources. It is about new hydro efficiencies. We are learning very rapidly that efficiencies in the marketplace can create quantum leaps in savings and, therefore, less growth rate in demand of production.

All of those ought to be a part of a test today, if we are going to establish national policy. If we are going to demand certain levels of performance out of the production side of our utility industry, our electrical industry, then we ought to be balanced. We ought to be broader and, most importantly, we ought to use a new, modern definition, a new, modern screen, a measurement. I don't think it is RPS anymore. I think it is clean.

Having said all of that, if RPS survives this debate, here is what is going to happen. It is going to be a very expensive trip for the consumer and the taxpayer. If RPS survives and we don't move to a newer standard and we put into place the kinds of demands that take us to a 15-percent requirement and then we turn to the Finance Committee, I believe Senator BAUCUS and Senator GRASSLEY—and we will debate that as it relates to wind energy and a tax credit on a 1, 3, 5, sometimes 10 years, someday probably a 10-year involvement—what will it cost? It is estimated it could cost $3 billion, $5 billion, $10 billion, $15 billion, in a direct Government subsidy, a tax credit, to produce the RPS requirement that is being proposed.

Fairness is fair. A CPS requirement will cost some money. We are having it costed out today. We don't believe it will be anywhere near as dramatic, because it will be spread amongst a much broader portfolio than the narrowest of an RPS. Is this an expensive process? You bet it is. When you enter a new technology into the market that isn't as efficient or competitive, you subsidize it.

That is what we are doing with wind today. But we are creating a new uniqueness. We are saying: OK, here is a market niche for your wind. We are going to give you some of the market. Then we are going to give you tax credits and benefits to get into the market because we want you producing wind. So we are creating a very unique market niche, and we are saying to all the utilities: You have to meet it.

Well, 23 States are already out in front of us. They have some form of RPS or renewable portfolio standard. Some of them are higher than the Bingaman standard, some of them are lower. But there is a movement out there, and there ought to be flexibility in that movement, instead of the rigidity that is the reality of the current RPS. That is what we offer in a CPS or a clean portfolio standard—broaden the base, get modern, let's do not keep regurgitating the past.

I am always amazed that once one group—any group, any interest group—locks on to an idea they can capture the mind with, and they ride that idea for decades, sometimes when it no longer fits the technology of the day or the demands of the marketplace. I believe RPS is that idea that got locked on to in the mid-1990s that no longer fits the marketplace today. I do believe CPS fits the climate change concern, fits the regional disparity as a result of the geography of our country, where there is wind and no wind. I tell some of my southern Senator friends there is a lot of hot air in the South but there is not any wind. Well, there is not any wind in the South. So they have to go out and buy it.

You have utilities in Florida buying wind farms out in the Midwest. Is that somehow going to make Florida cleaner? Why don't we give Florida the opportunity to build clean energy right in Florida, instead of buying something out in the Midwest to offset? It is a strange thing. It is kind of like: Well, we believe in a very green standard. You are going to have to buy your way in if you cannot produce your way in.

I disagree with that. I think you ought to be able to produce your way in. I do not mind clean standards, but I do not think you ought to disadvantage certain regions of the country by the standard you are requiring. CPS changes that. It says we are requiring a cleaner standard in new production. You can do it through wind, as the Senator from New Mexico is proposing; you can do it through biomass; you can do it through new nuclear; you can do it through new hydro; You can do it through new efficiencies. If someday—and I believe it will—coal to liquids comes on line, you can do it through carbon sequestration or, ultimately, we may be able to retrofit our existing coal-fired generation facilities in a way to capture that carbon and sequester it. If we can, shouldn't they get credit for it? Shouldn't there be some benefit for cleaning up the air, instead of letting that remain dirty, but you buy your way out of it by going somewhere else to buy something that is clean?

That is an interesting concept, but that is the concept if you do not identify with the marketplace and you do not identify with the regions and the capability of the regions and the uniqueness of our country today. That is why Southern Senators are frustrated at this moment, because the amendment on RPS says you cannot do it by what we say so you have to go somewhere else and buy it.

Let's make the standard uniform. Let's make it fit all parties. Let's allow it to reflect the diversity of the countryside and the resource that is available in the countryside. We think that is possible. We think if you do it, it is less expensive than the RPS that is currently being proposed.

Here is what I am suggesting to those who are a little concerned about budget exposure because we have not seen what the Finance Committee will do. But if the Finance Committee brings about the tax credits that we think for a 1-, a 3-, and a 5- and someday a 10-year reality, that cost could be $3 billion, $5 billion, $10 billion, $15 billion. Current law is here. Future law could well be here based on what we think the Finance Committee will offer. So we create the marketplace niche today for wind, and tomorrow we finance it. It is a very expensive proposition.

I have wind farms coming up in Idaho, and I am glad they are there, and they are going to blend and be a part of our overall economy. I am all for wind, but I am not just for wind. Again, it is a concept whose day has matured. It is an idea that now fits well beyond the 1990s into the year 2000 and beyond, as new concepts come on board.

In other words, let's get modern. Let's build a policy for the future. Let's don't simply react to the past because the interest groups of the past are still here driving it. Let's think beyond that.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, before the Senator from Idaho leaves the floor, I wish to make a short statement and then pose a question to him so I am sure we are understanding things correctly.

My short statement is that the Energy Information Administration has made it clear they see the main beneficiaries of the renewable portfolio standard proposal I have put forward—not as wind—they see the increase in wind capacity at 50 percent, but they say biomass will increase 300 percent. Beyond that, they recognize biomass currently produces more electricity—about twice as much electricity—as does wind. So they see a dramatic increase in biomass, which the Southeast part of the country has a great deal of. They also project a 500-percent increase in electricity production from solar power.

But to the point the chart makes that the Senator from Idaho has in the Chamber, first of all, there are two ways—Mr. President, this is in preface to a question I am going to pose to the Senator from Idaho. There are two ways we are trying to stimulate more use of renewable energy and more production of renewable energy. One is through the Tax Code. As he points out, there are various tax credits—the production tax credit, the investment tax credit for various kinds of renewable energy. The other is through what I have proposed here, which is the renewable portfolio standard, which is a requirement that utilities produce power from these sources.

Now, if we just do the tax provisions, and do not do the renewable portfolio standard, then that is what is indicated on the bottom line of the chart, as I understand it. You get the substantial increase in budget impacts—that the red line reflects—if you do both, if you do the tax provisions and you also do the renewable portfolio standard because the renewable portfolio standard will ensure that more people qualify for the tax credits because you are going to be producing more electricity from solar, you are going to be producing more electricity from wind, you are going to be producing more electricity from biomass. Every time you do, it costs the Federal Treasury because that new energy is eligible for these tax credits.

Am I understanding correctly that is why the budget impact is reflected as it is there?

Mr. CRAIG. Mr. President, that is my understanding, I say to the Senator, if there is a renewal of the tax credit based on what we think Finance will do. Here is the problem—

Mr. BINGAMAN. Mr. President, let me ask another question. Does the chart the Senator from Idaho has on the floor assume there is a renewal of the tax credit or that the tax credit expires?

Mr. CRAIG. It assumes there is a renewal of it. Because what you do, what you know you are doing, if your policy becomes law—there is no opt out at this point—you drive the entire national utility marketplace to a standard. By driving them there, you give them this opportunity, and it is a U.S. tax opportunity. There is no question that is the tax credit. You must go here. And when you go there, you can identify with the tax credit under the assumption—and that is fair—the Finance Committee is going to come forth with it. And we have every reason to believe they will.

That is what drives it. The reason it does is because, if you do not, you put the industry in a very precarious situation. Wind today does not pay its way. It is still on the margin. Based on its productivity in certain wind patterns, it has to be subsidized to fit into the market. How you subsidize it is through the credit, or you are simply saying you are going to do something you cannot afford to do, so you are going to have to go right to the ratepayers and charge them a much higher price than you otherwise would with the credit to come into compliance with the RPS.

Yes. So that is the appropriate assumption of this chart.

Mr. BINGAMAN. Mr. President, let me ask one other line of questioning to the Senator, and I appreciate his answer.

The Domenici proposal, which is the alternative the Senator from Idaho is advocating for, as I understand it—not only as it has been described by the Senator from Idaho but by my colleague from New Mexico and others—not only would encourage utilities to produce more power from the sources I have identified—the renewable sources, traditional renewable sources of solar, wind, biomass, geothermal, tidal and all—but it also says we want to encourage more production of nuclear power, as I understand it.

Mr. CRAIG. And new hydro, where it fits, and efficiencies and sequestration, yes.

Mr. BINGAMAN. Would the Senator from Idaho agree with me that to the extent that amendment is successful in doing that, in encouraging all of that additional nuclear power, nuclear generation, and all, that also is going to cost the Treasury, and that is also going to drive up what is indicated on the chart?

I notice there is no line on the Senator's chart to represent what the fiscal impact on the budget would be from the Domenici proposal. But my assumption is, it would be at least as expensive to the Federal budget as mine would be, or else if it would not be as expensive that is because the Domenici amendment would not be as effective in promoting development of these sources; am I correct?

Mr. CRAIG. Mr. President, I say to the Senator, you are correct to assume a CPS standard would have a budgetary impact as much as an RPS standard. The RPS standard—as I have said, it is a bit old school, so it is considerably more measurable, and you are forcing production into a narrower slot in the marketplace—wind and bio—whereas we are broadening the slot dramatically.

Yes, there are some of those new nuclear plants, as you know, as it relates to the Energy Policy Act of 2005 that are going to have some tax benefits. The first certain numbers are. Sequestration, more than likely—to encourage it, and to make it reasonable in the marketplace—is going to have some tax consequence. We promote efficiency in the marketplace through that. But in all fairness to the Senator, it is not yet a measurable item. Those who are looking at it now say it is probably spread and less costly, but it is also more than just a cost item.

As I said, if you take a Florida utility that meets the standards by buying wind in the Midwest, it does nothing for the airshed in Florida; whereas, a CPS says you can build clean in Florida and benefit the airshed of Florida. I think there is the other side of that value.

Lastly, if I could react, and the Senator would allow me to, I am all for biofuels. But driving the biofuel market under the current technology—I am surprised some environmentalists are not reacting because it is not a totally clean emitting technology. We are all for it because it is renewable. I am for it because it helps us clean up

the forest floors and do a lot of other things that are the right things to do out there. But we also know when you burn it—and you are burning it—you have carbons, and that is escaping to some degree.

So driving it is the right thing but giving clean options is also the right thing. That is what CPS does.

Thank you.

Mr. BINGAMAN. Mr. President, I see my colleague from Georgia is in the Chamber wishing to speak on the bill. I will defer to him, and we will come back for additional debate in the coming hour.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank both distinguished Senators from New Mexico.

I rise for a few minutes to talk about this bill and the renewable portfolio standards and the effects on my State of Georgia.

I associate myself with the remarks of the distinguished Senator from Idaho. I did not hear them all, but I heard the narrow stovepipe versus the broad approach, and that is one of the things I want to talk about because we have a diverse country with many assets that regionally are very different. If we are going to have renewable portfolio standards that call on us to find renewable energy to reduce our dependence on foreign oil, we have to exploit and promote all those sources, not narrow those sources.

I also wish to quote from our prayer this morning from Pastor Sturdivant. Pastor Sturdivant called on all of us during this process of legislation, prayed for us to have patience. I do think we all need to have patience when dealing with this bill because I wish to tell my colleagues what the effect of the renewable portfolio standards are on the State of Georgia. We don't have the wind to meet the standards; we don't have it. The tax that would in turn be imposed on these utilities, all regulated, thus ultimately paid by the taxpayer, would be the following: On electric membership cooperatives it would be a half a billion dollars between now and 2020, and on Southern Company, it would be $7.6 billion.

Now, I know the bill attempts to exempt electric membership cooperatives, but when you analyze the bill, 7 of Georgia's 42 cooperatives would be included. Those 7 cooperatives produce 50 percent of all the energy generated by cooperative services in Georgia. So, therefore, because of the way it is worded in its current form, and as I understand the Bingaman amendment, 10 States, mine being one of them, would be in a position of not being able to meet the standard because of nothing beyond their control and would have an imposition of taxation that ultimately goes to our ratepayers, both to either the Southern Company or the electric membership cooperatives who are not exempt, to the tune of almost a total cumulatively of $8 billion.

Now, one of the things this bill talks about at its outset: It says this is to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy sources. I wish to talk for a minute about a clean, renewable, alternative energy source that we know exists, that we are currently utilizing, and that for some reason, we continue to stay away from reenergizing, and that is nuclear energy. We had great testimony by Vice President Gore before the EPW Committee earlier this year, and each of us on the committee got to ask the distinguished Vice President a question—or more questions—5 minutes' worth of questions. When it came to be my time, I asked the Vice President, accepting that every factor in the global warming argument is correct, how can we not seek to reenergize the nuclear energy in this country to help meet that demand of lessening carbon, having renewable sources of energy that are safe, efficient, and inexpensive? That is the question I pose today: How do we look toward meeting the challenges of removing or lessening our dependence on foreign petroleum, and yet not get back in the business of building nuclear powerplants? It is something I think is essential for us to do, and an energy bill that does not include it as a renewable source of energy is missing the boat.

My State of Georgia has nuclear powerplants. When I was in the State legislature, we were building plans for them. The Southern Company wants to get licensing to put another reactor on Vogle to expand its capacity. In talking about nuclear energy, most of the fears that resulted in the 1970s, although well-founded because of Chernobyl, have, in fact, proven American technology to be superior. The Three Mile Island accident that happened in the 1970s was a tragic accident, but it proved the redundant failsafe mechanism of the Nuclear Regulatory Commission standards in the building of nuclear powerplants. That was technology of the 1970s and late 1960s. Today we have the knowledge we have gained from over 30 more years of the use, development, and understanding of nuclear power.

Today, we power our nuclear aircraft carriers, such as the Eisenhower returning from the Persian Gulf, on nuclear energy. In Georgia, the Trident submarines, where our sailors, at close quarters for months on end under the sea, live comfortably and with a nuclear reactor. Why is it, when we have petroleum prices running through the roof, when we want to sequester carbon and reduce its input, do we still look the other way on a source of energy that is reliable, that is safe, that is inexpensive, and that now we know its byproducts are recyclable for further use? This brings me to a second point.

Four Senators in this body, the two Senators from South Carolina and the two Senators from Georgia, along with the Governors of both of those States and the mayors and city councils of the City of Aiken, SC, and Augusta, GA, have gone to the Department of Energy and said: Why not take the Savannah River plant, which for years manufactured the warheads for our nuclear weapons, and turn it into a mock facility to recycle spent nuclear material back into productive energy-generating nuclear material. So you have two States volunteering to recycle. You have a process that allows it to become renewable. You have a Federal investment already at a site that has been used for years. These are the types of creative things we need to do as we pursue reducing our dependence on foreign oil.

Nuclear energy will not do it all. Wind cannot do it all. Solar cannot do it all. Hydro cannot do it all, and biomass cannot do it all. But collectively, together, operating as a team, incentivizing by the laws we pass, we have a chance to do exactly what the title of this bill portends.

I wish to associate myself entirely with the remarks of the Senator from Tennessee yesterday afternoon, Senator ALEXANDER, who so eloquently expressed the punitive nature of the RPS standards in the Bingaman proposal as far as his State of Tennessee and my State of Georgia. I also associate myself with what Senator CRAIG from Idaho said. If we are going to seek alternatives, let's seek them all. Let's seek safety. Let's encourage them through tax policy, and let's reduce our dependence, but let's not make the reduction approach so narrow we penalize some and reward others.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I am glad our country continues to focus on what we can do better to produce energy for electricity, fuel for our automobiles, and the like, in a way that is friendly to our environment and promotes our national security because in many situations, we are far too dependent on nations that are not friendly and are hostile, actually. Huge amounts of our wealth each year, particularly for the fuel that goes into our automobiles, is transferred to nations, such as Venezuela. It has made them very rich in the short term, and as a result, as Tom Friedman, a writer, said: The richer they get, the worse they behave. So we need to reduce the amount of America's wealth being transferred abroad.

With regard to electric power, almost all of that power is generated domestically with our own energy sources and by our own American people. It is not

as significant for us in the economic and national security area as is automobile gasoline, 60 percent of which is imported. That is why I think when it comes to choices, we need to emphasize automobile fuels and what we can do to reduce our dependence and improve efficiencies.

I have been pleased to serve with Chairman BINGAMAN on the Energy Committee. I just joined that committee. He is a man of intelligence and decency and commitment to doing right. We have had quite a number of hearings. We have not gone into this issue lightly. I am, however, reluctantly compelled to oppose his renewable portfolio standard amendment and would like to share a few thoughts about it.

First, the overall estimate is that in areas of the country that do not have the natural conditions that allow us to expand renewable energy sources there will be huge costs that will be borne. It seems that some like to suggest those costs will fall on the utilities. Nobody likes utilities because they send us a bill every month. We tend to forget they send us electricity every month also. But they send us a bill every month, and if we don't pay it, they will shut off our electricity. It is not a very pleasant thing to hear from your utility. But utilities throughout America are regulated utilities. What they charge has to be approved by public service commissions or commissions of a like nature.

We have a public service commission in Alabama. Those public service commissions monitor their profits and monitor their charges for electricity and disapprove many times requests for rate increases.

There is a principle that each and every one of our Senators need not forget; and that is, if areas that don't have the capacity to generate electricity with renewables have to pay the penalties and have to pay for other ways to get electricity, that cost, which some have estimated to be $100 billion to $200 billion annually, is the equivalent of this Congress taxing the people in those areas of the country $100 billion to $200 billion and directing it to be spent in this fashion whether or not it is the best way to protect our environment.

In an economic sense and in a true sense, we are saying we are not going to tax the people in the country to fund these programs. We are just going to pass a mandate, and we are going to mandate it on these businesses. And if they cannot meet it, then we are going to require them to pay a penalty. We didn't tax them, we are not taxing anybody, and we are going on about our business and we are going to move us to a more renewable portfolio—a good goal, you see.

But if you step back and look at this, it is the equivalent of taxing the people hundreds of billions of dollars, and that tax will be passed on to consumers of electricity. Already their gasoline prices have gone up dramatically, and now we are seeing some rise in electricity rates, and this is going to be passed on. There is no free lunch. It will be passed on, and the people to whom it is going to be passed on to the most are the people in my State because our wind resources will not work.

Wind in some areas of this country will work. It really will. It can be virtually competitive with other sources of electricity, and that is nice; although in areas that are fairly congested with people, people don't like all these wind turbines. But out West, in some areas, I assume there is still potential to expand wind, and I am for that. I just don't like to see us require wind turbines where it is not going to work, or solar panels where it won't work.

In my home State of Alabama, one would think we have a good bit of sunshine, but in truth, we have a lot of clouds, and solar is not effective in our area. It is not effective anywhere really. It is much more expensive than any other form of generating electricity and least effective in the Northeast. Even in the Southeast, because of our thunderstorms and our long periods in which we have cloudy weather, it is an unpredictable source of electricity, and it is very expensive anyway. It will be a great expense.

I share with my colleagues a letter from the Southeastern Association of Regulatory Utility Commissions. These are the people who, for the most part, are elected by their constituents. They represent the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. They are very much opposed to this amendment, not because they are not for renewables, not because they want to defend some utility, but because they know if this amendment is adopted, rates are going to go up on their constituents and with nothing to show for it.

This is their May 31 letter, just a few weeks ago, to the leadership in this body and the House. They say:

> . . . to express our concerns about the nationwide, mandatory federal renewable portfolio standard being discussed/introduced by Senator BINGAMAN. As state regulators, we are responsible for ensuring that retail electricity consumers receive affordable, reliable electric service. We are concerned that a uniform, federal RPS mandate fails to recognize adequately that there are significant differences among the states in terms of available and cost-effective renewable energy resources and that having such a standard in energy legislation will ultimately increase consumers' electricity bills.

Then they go on to note, quote:

> The reality is that not all States are fortunate enough to have abundant traditional renewable energy resources, such as wind, or have them located close enough to the load to render them cost effective. This is especially true in the southeast and large parts of the Midwest.

They go on to say, quote:

> Our retail electricity customers will end up paying higher electricity prices, with nothing to show for it.

With nothing to show for it.

So the letter goes on, and they say, quote:

> While State public service commissions and energy service providers should certainly consider available and cost-effective renewable energy resource options as they make long-term decisions for incremental energy needs, the imposition of a strict Federal RPS mandate, as contrasted with a State-driven cost-effectiveness determination, will only result in higher electric prices for our consumers.

So that is the fundamental concern.

The goal of how we can go about this is complicated. I think we can make progress toward more renewable energy sources, but I don't see how we can omit nuclear power as a major player in this as the source of tremendous amounts of electricity with no adverse emissions into the atmosphere. How we could be ignoring that is difficult for me to understand, I would say to my colleagues.

My goal is pretty simple, in how I analyze legislation. First, I believe we ought to consider our national security. How does it help us remain independent? Does it impact our economy adversely? A healthy, growing economy is good for this country. I certainly think we should not and must not have a goal of raising energy costs, whether it is gasoline at the pump or electricity on the monthly bill. Raising those prices cannot be our goal. It can only make us less competitive in this competitive global marketplace.

Our goal cannot be to raise prices, but I will tell you that it is a secret, unstated goal of many of the people who are driving some of this legislation. They think if they can drive up the price of gasoline, if they can drive up the price of electricity, the average person won't use so much of it because they do not have enough money to pay for it.

Well, that is not good. Our goal as a nation should be to have safe, clean, reliable energy available at a cost as low as possible as part of living a healthy, productive life. Electricity in nations that have it readily available compared to countries where it is not available have twice the lifespan. You have twice the lifespan if electricity is readily available in your country as you do if you don't. It is a tragedy to see countries struggle so badly. So it is a blessing for us. Energy is not something bad. It is a fabulous blessing to our Nation to have it as readily available as we do, and we need to keep that cost down.

The proposal requires all distribution utilities that sell more than 4 million megawatt hours a year to meet targeted levels beginning in 2010. The RPS standard in this amendment requires each such utility to have 15 percent of its load in renewables, and renewables are only solar, wind, geothermal—there is no geothermal out East, either; there is no ocean capability in our area of the country—biomass—some small possibility but nothing like this area—

landfill gas—which is only incremental—and the like. It does not include nuclear or hydro, which is so important.

The Domenici substitute would require 20 percent by 2020, but it would allow for new nuclear and incremental nuclear, new hydropower, and certain efficiency measures to qualify. Even then, I am afraid we cannot reach that number.

According to the Energy Information Administration, current nonhydroelectric renewables only account for 2.3 percent of total generation in the United States. To get to 15 percent of all electricity from this source would require us to increase that production over six times. That is a lot—over six times the current rate. So under these standards, as they are written today, according to the Tennessee Valley Authority, according to the Southern Company and other companies that are in our area of the country, they say there is only one way, one thing they can do, and that is to pay the Department of Energy the two-cents-per-kilowatt-hour penalty to meet these targets.

Let me tell you, two cents per kilowatt-hour is a big deal. Huntsville Utilities in Huntsville, AL, a progressive utility run by the city, a board appointed through the city, states that the Bingaman RPS and even the Domenici CPS would cost them $4.2 million in 2010. This is just the city of Huntsville—$4.2 million; $8.8 million in 2013; $14.1 million in 2017; and $19.8 million in just 1 year—2020. That is a lot of money on a city—$19 million a year, $4 million a year. They are trying to manage their budgets carefully.

The Tennessee Valley Authority, the governmental entity Franklin Roosevelt started back many years ago, the conservative TVA—this is a quasi-government agency—estimates that systemwide it would cost an additional $70 million to comply with the 3.75-percent RPS requirement in 2011 and $410 million to meet the full 15 percent requirement in 2020. That is $400 million for the TVA system per year. That is a lot of money.

I think Senator ALEXANDER had raised some points: Well, what if you used all that money—the $100 billion, $200 billion—how could you use it if you just applied it in some rational way to include renewables and reduce our dependence on foreign oil and keep the cost of energy at a good level and encourage research and development? Man, you could put scrubbers on every coal plant in the country. You could build nuclear plants in large numbers. We could do lots of things. So this is a cost we are imposing, but the movement it will accrue in the direction we want to go is not great. The Association of Regulatory Utility Commissioners said, quote, ''There will be nothing to show for it.''

That is the problem I have. I want to move in this direction. I would like to see us use more biofuels, and I believe there is a potential for that. That is the only thing that seems to be viable in my area of the country, is expanded use of biofuels. But this is really such a huge step that I don't think there is any way it can be met except by paying penalties or a tax. Also, the way this thing works is the money may very well end up just going to the Government in the form of compliance payments or a penalty or a tax, maybe as much as $100 billion.

I really am excited about the leadership Senator BINGAMAN and Senator DOMENICI have given to the Energy Committee. We have had lots of hearings with some of the world's best experts on energy. We all share a view that if we develop a good energy policy, we can improve our environment, we can strengthen our national security, we can improve our economy, and the like. Any change that can actually reduce our consumption of energy and actually pay for itself over a period of time is a step we clearly should take. But when you are taking steps that are likely to cost far more than the benefit you receive, you have to be very cautious.

Remember, we are not spending Federal taxpayers' money and, therefore, creating a cost. We are passing a law which mandates that the citizens around the country, particularly in areas that don't have readily renewable power, will have to pay more for their electricity to meet this standard. And they are going to have to pay a lot more. The cost is going to be very significant, and the question is, Would that cost have been better spent in other areas? I suggest that it would. Some people have already made some suggestions about how we could spend that money better.

I thank my colleagues for giving me a few moments to talk about this amendment. I am sorry I could not be in agreement with it. The goal is worthy. My analysis of it is the burden will fall disproportionately on constituents in my area of the country, particularly in my State, and therefore I must oppose it. I think we can do better in how to achieve this goal.

Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, just to advise folks of what I believe the course is going to be here in the next few minutes, Senator CANTWELL from Washington is waiting to speak. She is going to speak for up to 10 minutes or something in that range; Senator CORKER is here from Tennessee, and he wishes to speak for a relatively short period also; and then, as I have indicated to Senator DOMENICI, it will be my intent at that point to move to table his amendment.

So that is my expectation of how we will proceed. I am not asking for any consent to do that, but I wanted to advise Senators.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I rise to speak in support of what is the Bingaman amendment, to make sure we diversify our national energy supply by investing in 15 percent renewables, and against the Domenici amendment, which the chairman of the Energy Committee, the Senator from New Mexico, just mentioned he is going to make a motion to table pretty soon. I agree to tabling that amendment.

Let me say that I have listened to a lot of the debate on renewables and what we need to do, and I have heard a lot of people talk about wind out here and a lot of people talk about solar. I look at this a little differently. I really think this debate is all about natural gas.

I say it is about natural gas because I listen to the farmers in Washington State and throughout America about the high price of natural gas. I hear how much the price of natural gas is going up. The issue is that natural gas is used both for our electricity grid and it is used as a product to make a solid for fertilizer that farmers need, and the price is going up. It has gone anywhere from what historically used to be $2, to $7 or $8, and in some cases we have seen it go as high as $14 or $15.

What I am saying is that we are having competition for natural gas between our electricity grids and our farmers. The future of natural gas is only going to increase. It is only going to increase. That leaves us with one choice; that is, to diversify off of natural gas for our electricity grid. How do we diversify off natural gas for our electricity grid? We start planning for renewables.

I know there are many utilities wandering the Halls of Congress trying to lobby against this particular provision of the United States setting a goal of focusing on renewable energy. I would say to them: Go look at how the U.S. economy is being impacted because we are already dependent on coal, already dependent on nuclear power, and already dependent on this natural gas that is continuing to rise at steady levels and is going to impact our agricultural economy.

In fact, 15 years ago, only 10 percent of our U.S. nitrogen, a fertilizer product, was imported. Today about half of it is imported. We have seen many of these businesses, over 21 of them in the United States, shut down because of these high costs. What we need to do is push to give alternative fuel; that is, alternative sources of electricity generation, an opportunity to be used in America. The best way for us to do that is to set this mandate in Federal policy so we can protect consumers from the high cost of natural gas in the future.

To do nothing is to say that farmers are going to have to pay more or maybe go out of business or their products are going to be too expensive for international markets or say to consumers: You are going to pay more for your electricity because natural gas prices are going to rise or we can say to consumers instead: We took active

measures to diversify our electricity supply and to start using other renewables that will help in getting off the high cost of natural gas.

To my colleagues who come to the floor and say alternative fuels are going to cost more, doing nothing is going to cost more, and depending on the current infrastructure is going to cost more because we already know those supplies are going to go up. Let's take the use of natural gas down by creating other alternatives.

I happen to believe that creating those other alternatives actually will save consumers. I know people have mentioned how the Union of Concerned Scientists say it will basically generate $16.7 billion because of what it will generate in new economic activity, by using alternative fuels. I do applaud the former chairman of the Energy Committee, the other Senator from New Mexico, Mr. DOMENICI, because he did get the ball rolling with the last Energy bill, getting us focused on incentives for renewable energy. My State probably has taken more advantage of that than just about any other State in the variety of products that we are producing. We now have, in some of the communities of our State, the alternative generation community—whether it is wind or solar or alternative fuels. They are actually out there producing large quantities of cheaper electricity for the grid, and they are also becoming some of the largest employers in some of our rural communities. From an economic development perspective, it is working. In fact, one analysis on a national level says the clean energy strategy could generate as much as $700 billion in economic activity and create 5 million new jobs.

That is not just on this particular Bingaman amendment proposal but the whole package, of which this is a symbol of the kinds of activities that could be done with our electricity grid.

Let me say something about other sources because we keep hearing, again, about wind and solar. This is a lot about biomass. I am a big believer that we are going to see a lot of biomass generation across this country—whether you are talking about switch grass or whether you are talking about using waste to supply new electricity.

Two major industries just came by my office—one a big timber interest and another a big existing oil company—talking about how they are going to diversify in Southern States on biomass. I know of many investments in the southern parts of our country in biomass, so I expect to see a lot of jobs created in the southern region of the United States from biomass. We have to push forward in saying we as a nation want to see a percentage of our electricity grid from that biomass—not just solar, not just wind, but from that biomass. To me, this is a great opportunity to do that.

One cost that no one is talking about, because no one has put a price on it, is the future cost of continuing to rely, with our electricity grid, on CO_2 emittance and the cost to our environment of relying on coal and some of our other generation sources in this issue. I know my colleagues are working on what we think the cost of that will be to future generations. But what is clear when you look at this debate is that part of our clean energy policy, when the electricity grid diversifies off of the more expensive products that we know are going to go up, like natural gas, it creates more jobs in the short term and diversifies our portfolio, driving down the demand for natural gas and helping us on supply. It also helps us with that hidden cost that we all are actually paying in the pollution of our current electricity grid. It is helping individual regional economies grow.

I think the chairman of the Energy Committee, Senator BINGAMAN, has put forth a great proposal on 15 percent. Let's make sure we take this stance so we let Americans know we don't think the existing energy stream is what we are going to saddle them with for the future. The American people believe alternative fuel can help us off of this dependence we have right now on fossil fuel, and they believe its development will be cheaper, cleaner, and more efficient for us in the future. But we have to show them the Senate gets it and understands and is willing to set that goal into Federal statute.

I hope the President will also join in this effort because the President, as Governor of Texas, implemented a similar mandate in Texas. I think it worked very well for them so I hope he will lend his support; come up to the Hill and encourage people that the high cost of natural gas on our farmers, on our businesses, is something we are not going to tolerate, its continuing to rise is something we are not going to tolerate. We are going to diversify off of that, protect consumers, and give them alternative fuel sources to supply our electricity grid.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, I rise today to speak in strong support of the Domenici amendment. I want to say as I begin my comments I think we are extremely blessed in this Senate to have the two very distinguished Senators from New Mexico, two Senators I respect greatly and have advanced the energy agenda in our country in a very beneficial way.

While I speak against the Bingaman amendment, I do so with tremendous respect for his leadership on our committee. I look forward to working with him on many future endeavors. However, today, I must say I am in strong opposition to that amendment. I have just come to the Senate 5 months and 2 weeks ago. One of the things the American people see in the Senate is the tendency to want to create one-size-fits-all programs and not take into account the various differences that exist around our country. That happens in so many programs we put in place here in Washington. People back home do not understand how we can be so shortsighted as to try to put in place one-size-fits-all programs.

I think it is admirable that we are moving toward renewables. I am very proud to be focused heavily on that in our Energy Committee and very supportive of the base bill, with some amendments, that is before us today. But this is nothing more than a tax, a tax on Southeast United States, a tax where basically it is a transference of wealth from Southeast America to other parts where wind and solar take place.

To me, a much more sensible approach is to say we do want to use clean technologies, as the Domenici amendment does. We want to use clean technologies, but we want to let the market do that. We want to include technologies like nuclear. Many utilities around the country have invested heavily in nuclear. We are finding even better ways to process the unutilized fuel that is left. To me, what we ought to be doing is setting a standard that allows many technologies to be brought into America's energy production so that we are, as the Senator from Washington just mentioned, far less dependent on carbon-emitting fuels, far less dependent on natural gas, which is compromising our ability to compete in other areas, in other industries, because of the high price of natural gas.

I rise today, even though Tennessee is playing a role in wind and solar. We have 500 employees in Memphis, TN, who are making solar technology. I applaud the efforts to promote that technology in America. But I rise to say the Bingaman amendment is a very shortsighted amendment that does create a one-size-fits-all policy that does not take into account the various geographical differences that exist in our country. The Domenici amendment tries to rectify that. I speak today in strong support of that amendment and hope that others in the Senate will realize what we are doing and, hopefully, they will embrace a standard that moves our country ahead while taking into account the various geographic differences that exist.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, let me say a few words about the Domenici amendment, which I will move to table. I know my colleague, Senator DOMENICI, wishes to speak in support of his amendment. I certainly will not make the motion to table until he gets a chance to do that.

Let me say why I think his amendment is a major mistake for the Senate to adopt and why we should table the amendment. The underlying amendment that I offered tries to put in place a requirement that over the next couple of decades we move toward more

electricity in this country being produced from renewable sources. We have a very extensive list of what we are talking about. We are talking about solar energy, wind energy, geothermal energy, biomass, ocean tidal current wave energy, incremental hydropower, landfill gas—those are all what are defined as renewable energy sources, and we are trying to stimulate the production of electricity from those sources.

We have said we have to get to a point by 2020, each utility does, where it is either producing 15 percent of the power that it is selling from those sources or it is buying 15 percent, taking 15 percent of what it is selling from someone else who has produced it from those types of sources or it is buying credits from someone who has produced more than they were required to and therefore has sold them credits or they have made a compliance payment. Those are all ways that utilities can comply.

The Domenici amendment comes along and says three things: First, it purports to say the 15 percent is not the right percentage, it ought to be 20 percent. That sounds encouraging for those of us who like renewable energy. But there is a bit of a sleight of hand in there, and let me explain what that is.

In that amendment they say you take the base amount of electricity that the utility sells and then go back and define what is the base amount of electricity that the utility sells. It is what they sell minus what they are selling that is produced from nuclear. That is 20 percent. So instead of taking 15 percent of 100 percent, which is what my amendment proposes, they are taking 20 percent of the lower amount, which would be 18 percent of the base because 20 percent of our electricity today is produced from nuclear power. So we have essentially a requirement that would be something in the range of 16 percent instead of the 15 that I have asked for.

Then they say: OK, let's define the requirement in a way that it does not just include those things the Bingaman amendment calls for; that is, production of electricity from solar power, wind power, geothermal, biomass, ocean tidal, current wave energy, incremental hydropower, landfill gas; you get credit for doing any of those if you want to do them. But if you want to build a nuclear plant, we will give you credit for that too. If you want to improve energy efficiency, we will give you credit for that too. If you want to adopt the demand-response program to reduce the demand of your customers, then we will give you credit for that too. If you want to adopt capture-and-storage technology for carbon in some coal plant, we will give you credit for that too.

Then it has a general catchall. It says: The Secretary of Energy can pick out other things in the future he may think people ought to get credit for. So what it does is it eliminates any real requirement that any company, any utility, actually go and produce additional power from renewable sources. That was the whole purpose of the Bingaman amendment.

There is one other provision I want to alert my colleagues to, because it is a very important provision, and this relates to the States' abilities to opt out. I know various people have been here and said: Well, States ought to be able to opt out. Well, you don't have a national renewable standard. You don't drive the development of these technologies in a national market if it is up to each State to decide whether they want to participate.

There is a provision in here called Governor certification. This is on page 9 of my friend's amendment. It says: On submission by the Governor of a State to the Secretary—that is the Secretary of Energy—of a notification that the State has in effect and is enforcing a State portfolio standard that substantially contributes to the overall goals of the Federal clean portfolio standard, under this section the State may elect not to participate.

Under this section, it is clear to me the problem with the Domenici amendment is it essentially prescribes that utilities should do what they are doing at any rate. Then it sets up a complicated procedure of credits and monitoring and trading they have to comply with as well. But it does not require any change in the mix of energy they are, in fact, producing and selling. That, of course, is the purpose of the Bingaman amendment, which is a second-degree amendment.

I do think it is very important we table this amendment so we have a chance to consider the Bingaman amendment and add it to this bill. For that reason I urge my colleagues to support the motion to table which I will make following the remarks of my colleague from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, fellow Senators, I know this is a difficult situation for the Senator from New Mexico, because on big matters of energy for the last 3 years, I have been working with my colleague, and we end up coming forth with bipartisan ideas.

In fact, the basic underpinning of this bill that was brought before us is bipartisan. If we can keep all of that that came through us, it will be a very big and powerful bill. I am not sure we can, because there will be those who are trying to take out big pieces of it before we are finished.

But after the bill was out of committee and here on the floor, Senator BINGAMAN proposed an amendment I could not possibly support, so it did not end up in our bill. So it is not bipartisan; it is his. I have to oppose it.

First, let me say if I were Florida, Georgia, North Carolina, Alabama, Kentucky, Tennessee, Arkansas, Louisiana, or South Carolina—and I am not, and nobody sent me here to represent them or defend them, but they are busy and some of them understand this issue. I hope they will vote accordingly. These States I have just mentioned—Florida, Georgia, North Carolina, Alabama, Kentucky, Tennessee, Arkansas, Louisiana and South Carolina—are the States that are going to have to pay into this program and they get nothing for it. They cannot produce wind energy, and so Florida is going to pay $21 billion over the course of this legislation; South Carolina is going to pay 6; Alabama is going pay to 7, and so on. I think any piece of legislation that comes to the floor in the field of energy that is so distorted that right off the bat we can come here, whether we are from New Mexico or whether we are from Louisiana, we can come here and say this about our sister States and our fellow Senators should not be adopted. There are not enough Senators to join this list, but we ought to protect them, and we ought to inquire very seriously how can this be such a good bill.

Incidentally, these States have to pay 2 cents per kilowatt-hour. That is where this money comes from I am talking about that I just said they are going to have to pay. That is a huge amount of money they are going to have to pay, these States I am here trying to protect. I am asking them to come down and protect themselves a little more, because I need your help. If you do not help, and if you do not stand up and not let this amendment even pass, ultimately you have got to have a filibuster on this amendment, you southerners and you people I just mentioned, because this is the worst bill that could ever happen to you.

Now what happened was the wind experts and the wind people in this country got big headed. They got a big head. You see, I love them. I have been part of giving them every energy credit we could give to wind energy. Wind is doing preposterously well, but not because it is, per se, such a great source of energy. We are giving it subsidies. And when you give the subsidies, it is a natural that it is clean. I am not so sure it is pretty. After people had it around a long time, they began to complain. But in my State it is terrific. It is up in the low mountains where it can't be seen too much. The ranchers who lease their land love it too because they get paid very heavily, I say to my friend from Alabama.

But the problem is we should have allowed more energy sources included in this major program. My definition changed from Senator BINGAMAN's to clean, to offer clean energy into this proposal. We raised it to 20 percent with these new kinds of energy I have described many times here on the floor, that everybody supports, that we ought to encourage as much as we are encouraging wind, which cannot be built in certain States of the Union, and yet this is a national policy. Openly he states it is a national policy.

My friend Senator BINGAMAN says what is wrong with mine is it is not national. I guess that means his must be a national policy. But it is not, because the States I mentioned cannot do it. They cannot produce the wind that is contemplated by this amendment. Since they cannot produce it, they have to pay a fine, a pretty whopping penalty.

I think we ought to try every way we can to try to get alternatives that are clean and put them in this mix. I believe we ought to keep it open as long as we can for those who develop new sources to get in. I am not embarrassed that our amendment says you can let some new sources of energy in after the amendment is adopted, even 5 or 10 years into it. If, in fact, America is acting the way it normally does, they will do that.

I want to give those technocrats we like and love who get things done maximum time to get in and improve clean energy and put it in this mix likewise, since I do not think wind ought to be the national energy. I am not impressed with wind being the national energy source for America. Right now we are stuck; it is probably crude oil that is the energy of America. We don't want it, but it probably is. But I don't think we want to say America has nominated, of all of the sources we have, wind to be the national source of energy.

I think that is what it says, because my opposition and good friend says mine is not national, his is, so he is bragging about it being national. I do not see why it needs to be national.

I never heard of a weaker energy policy being national for America than wind. I mean, it is pretty. It produces energy. It has got a lot of problems. It does not produce it all the time, so you have to have backup energy for it. But it is pretty good stuff. I mean, it is doing a great job.

What we ought to do is we ought to make sure it continues to get its tax incentive. That would be the best thing we could do to keep wind energy going. We don't need this for it. What we need is a 5- or 10-year assurance that we are going to have the tax credit, if that is what people think. That is another thing you look at. This is not even an energy source that can make it on its own, and we are trying to make it the national energy source, the national energy. It cannot do it on its own. Right? It cannot do it without tax incentives right now. Maybe it can later. Maybe that is the way a lot of them start and maybe later on they get there.

I hope my friends in the wind industry don't think what Senator DOMENICI has been saying here on the floor is anti-wind. It is anti what people are trying to make wind be when it can't be; that is what I am. I have supported everything that has caused wind to move ahead.

I urge my fellow Senators today not to table the Domenici amendment and to leave pending in the Senate two amendments, the Domenici amendment and the Bingaman amendment. Don't kill mine. Leave his here, leave mine here. We will probably get up, get off that amendment, go on to something else in the bill. But even if we close mine, then I urge all of those who are here, who are listening and who understand, we ought to be very careful about adopting this national standard, wind; that you watch out and make sure that we try to force 60 votes on this amendment before it can breathe as an amendment that will be part of this bill.

Mr. SESSIONS. Mr. President, will the Senator yield for a question?

Mr. DOMENICI. I would, but I don't want to hold him up.

Mr. SESSIONS. I won't persist. I thank the Senator for comments that are very valid for my part of the country.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I move to table the Domenici amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Okalohoma (Mr. COBURN) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The result was annoucned—yeas 56, nays 39, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—56

Akaka	Grassley	Nelson (NE)
Baucus	Gregg	Obama
Bayh	Harkin	Pryor
Biden	Inouye	Reed
Bingaman	Kennedy	Reid
Boxer	Kerry	Rockefeller
Brown	Klobuchar	Salazar
Byrd	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Smith
Carper	Leahy	Snowe
Casey	Levin	Specter
Clinton	Lieberman	Stabenow
Collins	Lincoln	Sununu
Conrad	McCaskill	Tester
Dorgan	Menendez	Webb
Durbin	Mikulski	Whitehouse
Feingold	Murray	Wyden
Feinstein	Nelson (FL)	

NAYS—39

Alexander	Cornyn	Hutchison
Allard	Craig	Inhofe
Bennett	Crapo	Isakson
Bond	DeMint	Kyl
Brownback	Dole	Lott
Bunning	Domenici	Lugar
Burr	Ensign	Martinez
Chambliss	Enzi	McConnell
Cochran	Graham	Murkowski
Coleman	Hagel	Roberts
Corker	Hatch	Sessions
Shelby	Thune	Voinovich
Stevens	Vitter	Warner

NOT VOTING—4

Coburn	Johnson
Dodd	McCain

The motion was agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. I suggest the absence of a quorum.

Ms. KLOBUCHAR addressed the Chair.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. BINGAMAN. I withhold that suggestion.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to set the pending amendment aside. I have an amendment, No. 1557, at the desk and am asking for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. DOMENICI. I object.

The PRESIDING OFFICER. Objection is heard.

Ms. KLOBUCHAR. Mr. President, I am disappointed the Senator from New Mexico has objected to the consideration of my amendment No. 1557. It provides for a national greenhouse gas registry and has the support of many people on the other side of the aisle as well as this side of the aisle. I ask that we try to work this out in the future, but I ask that I may discuss this amendment.

My amendment, which I have submitted with Senators SNOWE, BINGAMAN, COLLINS, CARPER, COLEMAN, and KERRY, establishes a national greenhouse gas registry—a comprehensive and uniform method of tracking greenhouse gas emissions by major industries. This registry creates a national framework for credible and consistent greenhouse gas emissions reporting.

Currently, reporting of greenhouse gas emissions data falls under a number of different Federal and State programs. Reporting is largely voluntary, and the criteria and reporting formats are inconsistent. The resulting data is meager and unsatisfactory.

The Klobuchar-Snowe-Bingaman amendment requires the Administrator of the EPA to gather complete, consistent, transparent, and reliable data on greenhouse gas emissions at the facility level. It builds upon existing reporting requirements to minimize the impact on businesses as well as the EPA.

This amendment is very similar to legislation that has passed this Senate twice in the past 5 years as part of comprehensive energy legislation.

A little over 5 years ago, Senator BROWNBACK, along with then-Senator Corzine, passed an amendment creating a greenhouse gas registry. This registry would have been voluntary, but

after 5 years—if the registry contained less than 60 percent of the total national greenhouse gases in the United States—mandatory reporting of greenhouse gases would have been triggered.

Now it has been over 5 years since the passage of that amendment in this body of Congress, and we still lack credible greenhouse gas emissions data from nearly all major sectors of our economy.

This amendment is simpler than the Brownback-Corzine amendment, requiring reporting from a little over 10,000 establishments in the U.S. economy, representing over 80 percent of our human-induced greenhouse gas emissions, without requiring costly monitoring equipment for smaller entities.

Collection of greenhouse gas emissions data is necessary to better understand how much greenhouse gas various sectors of our economy emit and design effective strategies to address greenhouse gas emissions.

Last week, on National Public Radio's ''Morning Edition,'' a reporter asked a seemingly simple question that helps illustrate the need for such a registry: Who is the largest producer of greenhouse gases in the country?

It turns out, finding the answer is not that simple. The reporter could not find an answer because we do not have an accurate and complete inventory of greenhouse gas emissions in this country.

This is a problem. As Peter Drucker, the famous business management scholar, has said:

If you can't measure it, you can't manage it.

Without accurate measurement, it is hard to implement effective solutions. At the moment, there is a void of accurate measurements on greenhouse gases, and what data is available is not certified by either the EPA or a third party.

There is strong support in the business community for the establishment of a national registry. In January 2007, a group of businesses unified to form the U.S. Climate Action Partnership. This diverse group of businesses urged Congress to act within the year to create a greenhouse gas registry, along with a number of other steps. The group includes General Electric, DuPont, Duke Energy, General Motors, PG&E Corporation, and many others.

Mr. President, I ask unanimous consent that a list of the companies be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

USCAP MEMBERS

Alcan Inc.; Alcoa; American International Group, Inc. (AIG); Boston Scientific Corporation; BP America Inc.; Caterpillar Inc.; ConocoPhillips; Deere & Company; The Dow Chemical Company; Duke Energy; DuPont; Environmental Defense; FPL Group, Inc.; General Electric; General Motors Corp.; Johnson & Johnson; Marsh, Inc.; National Wildlife Federation; Natural Resources Defense Council; The Nature Conservancy; PepsiCo; Pew Center on Global Climate Change; PG&E Corporation; PNM Resources; Shell; Siemens Corporation; World Resources Institute.

Ms. KLOBUCHAR. The strength and breadth of this coalition demonstrates the fact that the U.S. business community anticipates a mandatory greenhouse gas reduction program coming into force. Having accurate greenhouse gas emissions data is necessary to assess risks of capital investment decisions.

It also provides an opportunity for major industries to gather information on greenhouse gas emissions from previous years and make good decisions on the design of any future greenhouse gas regulatory program.

In response to the absence of action by the Federal Government, 31 States—representing over 70 percent of the population of this country—have banded together to create a greenhouse gas reporting system called the Climate Registry.

While it is a good start, and a sign of bipartisan impatience with the Federal Government's inaction, this registry is no substitute for a comprehensive national registry. You now have a situation where 31 States are having to start their own registry because we have not acted.

The other issue with the 31-State registry is that it does not require mandatory reporting or third-party verification. Its participants range from States that are moving to impose mandatory greenhouse gas reduction programs to those that are beginning to evaluate whether to take any steps.

According to Arizona Governor Janet Napolitano:

The State Climate Registries are another example of how States are taking the lead in the absence of Federal action to address greenhouse gas emissions in this country.

These States will benefit from a national registry, which will reduce administrative costs, centralize technical expertise and support, and greatly reduce the risk of under- or over-reporting.

As the Climate Registry—the nonprofit entity coordinating the 31 States' efforts—claims:

The creation of a Federal greenhouse gas emissions reporting system would be a significant step forward in U.S. climate policy that will build on the progress made through existing reporting systems and make it easier and less costly for corporations to track and report their greenhouse gas emissions.

We need a greenhouse gas registry because there simply isn't a consistent set of data. We have a patchwork system that is simply unworkable for accurate data measurement. We can't make good policy choices unless we collect good data.

At the Federal level, the Environmental Protection Agency and the Department of Energy collect a lot of data on energy production and consumption. However, the quantity and quality of the data vary greatly across different fuels and different sectors. For example, data on crude oil and petroleum product stocks is collected weekly from selected oil companies, while data on energy use in the industrial sector is collected only once every 3 years through surveys. In some cases, the EPA collects the data itself, while in other cases, the data is collected through State or Federal agencies.

There are two existing programs that provide some, but not nearly enough, data on greenhouse gas emissions. The first is the Department of Energy's 1605(b) Program, and the second is EPA's Climate Leaders Program. However, neither of these programs gathers facility-by-facility emissions data. Additionally, both of these programs are voluntary with no means of verifying greenhouse gas emission reports. The PEW Center on Global Climate Change, as well as the National Commission on Energy Policy, have criticized both of these programs for lacking rigorous reporting standards and verification requirements, allowing for the double-counting of reductions and failing to account for overall greenhouse gas emission increases. This inconsistency in approaches has resulted in a lack of comparability of reported emissions from company to company, as well as a lack of comparability of results from reporting program to reporting program. We need to have consistent, high-quality data across all sectors, which is what I call a national carbon counter system.

Our amendment—again, a bipartisan amendment—seeks to create common standards for measuring, tracking, verifying, and reporting greenhouse gas emissions by major industries. These standards do not currently exist at either the State or the Federal level.

This amendment does not place limits on greenhouse gas emissions; it simply requires that the EPA establish and maintain a database of greenhouse gas emissions. A national greenhouse gas registry will create reliable and accurate data that can be used by public and private entities to inform their financial decisions and allows investors to identify and manage future risks and opportunities.

The amendment has a number of checks to ensure it does not harm small businesses, as defined by the Small Business Administration, which emit less than 10,000 metric tons of greenhouse gases. It will promote full and public disclosure by requiring the EPA to post greenhouse gas emissions on its Web site. You really can't see greenhouse gas emissions, but at least you will be able to check the Web site. It will build on existing reporting requirements to minimize the impact on businesses and the EPA.

This amendment is not designed to support any specific legislation or policy position; it simply ensures that greenhouse gas emission data will be generated and collected in a consistent manner, regardless of its intended use. We will be able to make good decisions in the future on policy only if we have good and accurate information.

I would note that Senator BOXER is also a cosponsor, in addition to Senators SNOWE, COLLINS, and COLEMAN, and Senator KERRY and Senator BINGAMAN, who is managing this Energy bill, as well as Senator CARPER.

I would like to add that I am very disappointed that the Senator from New Mexico has objected to me putting this amendment in at this time. There is support on the Republican side of the aisle for this bill. I am hoping I can work with him and others to finally get this amendment admitted and considered by the Senate. I believe it is very important. I think it is the least we can do to begin information-reporting and to begin doing something about climate change. So I will work with the Senator from New Mexico and others to be able to get this amendment considered.

I thank the Chair.

AMENDMENT NO. 1573 TO AMENDMENT NO. 1537

(Purpose: To provide for a renewable portfolio standard)

Ms. KLOBUCHAR. Mr. President, on behalf of Senator BINGAMAN, I call up amendment No. 1573 and ask for its immediate consideration.

Mr. DOMENICI. No objection.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Ms. KLOBUCHAR], on behalf of Mr. BINGAMAN, proposes an amendment numbered 1573 to the Bingaman amendment No. 1537.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Thursday, June 14, 2007, under ''Text of Amendments.'')

Ms. KLOBUCHAR. Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. SNOWE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Mr. President, I know there are other amendments pending, but I wish to speak to an amendment that is to be offered by our colleague, the Senator from Minnesota, Ms. KLOBUCHAR, on creating a national greenhouse gas registry. I am pleased to join her in this effort because I do think it is so critical if we are to aggressively and comprehensively address the question of climate change and instituting some major initiatives with respect to global warming. I am pleased to join Senator KLOBUCHAR and the Senator from New Mexico, Mr. BINGAMAN, in offering this amendment at the appropriate time today.

I know Senator KLOBUCHAR has spoken to the question, and I want to make sure I have the opportunity to express my views on creating this greenhouse gas registry which I think is absolutely essential in fulfilling the existing void by requiring vital information to help us more effectively and efficiently reduce our Nation's carbon dioxide emissions.

I know this is Senator KLOBUCHAR's first major initiative in the Senate as one of our newest colleagues. I had the pleasure of working with her on this initiative. No question it is going to be a major contribution to the environmental debate and to our national energy policy because a greenhouse gas registry is an absolutely integral beginning for collecting emissions data that will lead to an economy-wide number for our Nation's greenhouse gas emissions.

Everyone rightly speaks of the increased greenhouse gas emissions that scientists, through peer-reviewed research, have verified are creating the temperatures to rise, severe droughts, weather events to intensify, and sea levels to rise around the globe. We now have sufficient scientific certainty to know we must act to decrease carbon dioxide emissions, the largest greenhouse gas pollutant both domestically and globally.

While there is this sense of urgency, as there should be, I think we well recognize all the consequences of our failure to act both internationally as well as domestically. The United States EPA has no facility-by-facility inventory to even accurately report emissions in the United States. We simply have no solid number representing how much carbon is even emitted.

While the powerplant sector is responsible for reporting under the Clean Air Act, the Government has no accurate system to account for the largest U.S. emitters, as we are currently under an incomplete and voluntary system for reporting yearly emissions for non-powerplant facilities.

Now is the time to follow the lead of our neighbor to the North, Canada, which already has a mandatory registry system in place. In fact, the Senate has addressed establishing a greenhouse gas registry in the past. Specifically, the 107th Congress 2002 Energy bill called for a national database for greenhouse gas emissions with voluntary reporting language, and also a hard trigger that I proposed that made the program mandatory after 5 years if industry had not stepped to the plate and voluntarily reported and reduced greenhouse gas emissions. Yet, regrettably, no bill emerged from conference that year.

I have no doubt our Nation would be in a much better position today if such a provision had been put in place 5 years ago. I also have no doubt the United States would have engendered more respect internationally if we had instituted a mandatory program for greenhouse gas emission reductions.

Indeed, let us recall—and I certainly do because I was here, I was in the House of Representatives at the time—the United Nations Framework Convention on Climate Change that was signed by former President Bush and ratified by the Senate and which entered into force on March 21, 1994. The United States agreed to gather and share information on its annual greenhouse gas emissions.

In response, the EPA makes an estimate on what the total U.S. greenhouse gas emissions are every year. Frankly, I would call it more of a guesstimate because how precisely and exactly can emissions be reported under the United Nations Framework Convention on Climate Change when accurate data is not even available to the EPA from well over half of the emitters in the United States?

There are around 12,000 U.S. industries, from petroleum refiners, cement and steel manufacturers, chemical plants, and others, that do not have to report any greenhouse emissions whatsoever. They are only being asked to participate in a voluntary reporting scheme called the Department of Energy's 1605(b) voluntary registry program which has been marginally successful at best when one considers that according to the Energy Information Administration, in 2005, only about 200 companies voluntarily reported their emissions—only 200, Mr. President. It is truly alarming there is no comprehensive national accounting of greenhouse gas emissions for major emitters in the United States, nor is there any certification that the reported greenhouse gas emissions are even accurate.

The Department of Energy's Office of Policy and International Affairs is only asked to review the 1605(b) guidelines every 3 years. All we are requiring today is a mandatory greenhouse gas emissions registry to secure accurate numbers. For those who don't favor advancing climate change legislation, they should at least be concerned that the United States meets its obligations by accurately reporting its total annual greenhouse gas emissions, not having a guesstimate or uncertain data, but data that give us the most precise and accurate information.

For those of you, like myself, who support a market-based carbon cap-and-trade system, as called for in the Kerry-Snowe legislation and the Lieberman-McCain climate bill to decrease domestic greenhouse gas emissions through a carbon cap-and-trade system, the registry we are requesting has to be the very first step. It is an integral component to any type of carbon cap and trade we might initiate in the future.

We are being proactive by not waiting until we have established a cap-and-trade system that will require reporting emissions for major industries. This will jump-start the actions in the United States for decreasing emissions.

A trading system carries with it a value of every ton of carbon. A ton of

carbon not emitted is worth a credit that can be sold to a company that emitted a ton too much. So we will need a level of detail and verification to make the market truly work in distributing credit for tons not emitted in the shortest timeframe possible.

The European Union has been a living laboratory for its bold step in setting up the world's first carbon cap-and-trade system. They modeled its greenhouse gas emissions scheme after a sulfur dioxide cap-and-trade program that was put into place by the Clean Air Act amendments of 1990 to combat acid rain.

A European official, in appraising the mistakes made with their still new system, said:

You need a registry, and you need a reporting vehicle.

That information gathering is vital, ''a very important first step,'' he indicated.

I recall it took EPA 5 years to get the acid rain program up and running because powerplant operators had to install devices to gather pollution rates. The European Union is going through similar growing pains because they had no registry of verified data to make its cap-and-trade system work accurately. Too many credits were given.

So a national greenhouse gas registry is a crucial precursor to both mandatory and market-based carbon cap-and-trade regulations of industrial greenhouse gases that contribute to global warming which we know has been verified indisputably by the numerous reports and scientific data and studies, such as from the Intergovernmental Panel on Climate Change.

It is quite simple: If there is no system for counting carbon emissions, there is no accurate way these emissions can be reduced, and certainly there is no accurate way they can be capped or a trading scheme developed.

Once again, the States are undertaking initiatives. They are certainly assuming a leadership role for climate change actions. There are 31 States, with California and the New England States in the lead, that represent more than 70 percent of the population in the United States that are now participating in the Climate Registry, all measuring in the same manner and jointly tracking greenhouse gas emissions from major industries.

This partnership with the climate registry is yet another example of the States going farther than the Federal Government and taking the initiative and taking the steps essential to combating global warming.

More significantly, the emissions statistics of the new registry are subject to third-party verification as opposed to the Federal voluntary program that doesn't require any verification of any kind and, therefore, undermines the certainty, the credibility, and the confidence in that information because it has not been certified in any way.

I hope my colleagues will support this initiative offered by Senator KLOBUCHAR, Senator BINGAMAN, and myself to establish this essential accounting tool that will give businesses and policymakers the ability to track emissions as a building block for climate change emissions reduction initiatives that are currently before Congress.

Very recently, the Senator from Massachusetts, Mr. KERRY, held a meeting with a number of CEOs of various major corporations around the United States who have supported a carbon cap-and-trade system. They have joined in a major partnership, the U.S. Climate Action Partnership, with environmental organizations and other stakeholders in support of initiating domestic climate change initiatives and legislation.

This is very significant because these companies and these corporate executives have indicated their support for a carbon cap-and-trade system for the very first time because they understand that many of the States, as I indicated, the 31 States—with California having taken the lead and now the New England States and my State of Maine is certainly one of them that has been in the forefront of environmental leadership—have adopted the various regulations that will be part of a carbon cap-and-trade system.

The fact is, these States have taken the lead, and they have been very aggressive and bold in their steps to reduce emissions in their respective States and regions. Now companies understand the true value that will emerge in having one national standard so they have predictability, if they have a national standard that creates a carbon cap-and-trade system, so they can plan for the future. After all, companies have to make long-term decisions and have to have lead time in making decisions 30 to 40 to 50 years and beyond. So they have to understand exactly what regulations they will be governed by. They want the certainty, and they do not want to deal with States' different rules and regulations. They would like to be governed and regulated by one standard, a Federal standard, with respect to regulations through a national carbon cap-and-trade system.

In our discussions during the course of that luncheon, they indicated a greenhouse gas emissions registry would be absolutely integral to this process; that, in fact, it is the very first step that is so essential in developing the predictability, the certainty, and the confidence in the data that has been yielded so we know for sure which companies are emitting how much so the carbon cap-and-trade system that is ultimately put in place is put in place with confidence. We can then have a verifiable trading system that can buy and sell credits that will be important to this process if we are going to establish a cap and trade program to ultimately reduce carbon dioxide emissions which is, of course, what it is all about if we are ever going to begin the process of curtailing climate change and to avert any increases in the Earth's temperature by the year 2050, which most scientists have indicated is the tipping point. We have to prevent an increase in the Earth's temperature by more than 2 degrees centigrade by the middle of this century.

Ultimately, it is going to require a major reduction in carbon dioxide emissions at least at a minimum at 65 percent, which is the legislation I have joined Senator KERRY on that will achieve that level in order to avert that climatic tipping point we obviously want to accomplish over the next few decades.

This carbon cap-and-trade system is going to be a vital component to bringing everybody on board in industry, and having an economy-wide approach is very important if we are going to be effective in curtailing these emissions that indisputably and undeniably are having an unambiguous impact on our environment. The science has obviously been verified by so many of the reports that have been issued in the last couple of years and these reports are alarming. Now is the time to begin action. So I want to commend my colleague from Minnesota, Senator KLOBUCHAR, for taking this initiative for a national greenhouse gas registry. By all accounts it is absolutely an integral part of our effort as we begin to take the measures needed to be proactive in combating global warming.

Mr. President, with that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

Mr. THUNE. Mr. President, I rise to speak about an amendment I filed that would extend the current tariff on imported ethanol by 2 years. Over the past 2 years, I have been proud to stand with my colleagues in the Senate as we have made clean renewable energy a top priority in our national energy policy. The Energy Policy Act of 2005, passed in the previous Congress, made a historic commitment to renewable fuels by establishing a national renewable fuels standard and extending several important renewable energy tax credits. This law has effectively promoted homegrown sources of energy such as ethanol and biodiesel. The bill before the Senate today builds upon that success by boosting the renewable fuels standard to 36 billion gallons by the year 2022 and establishing other valuable incentives for renewable energy production.

The amendment I have offered to the underlying bill would significantly add

to the existing renewable energy incentive promoted by this bill. My amendment would extend the 54-cents-per-gallon tariff on ethanol imports through 2010. The current tariff is set to expire at the end of 2008.

This energy legislation does some great things for renewable fuels such as corn-based ethanol and advanced biofuels such as cellulosic ethanol. However, if we increase the renewable fuels standard without extending the tariff on ethanol imports, we are sending a mixed signal to our ethanol producers, their investors, and the farmers who sell their products to ethanol plants. In essence, Congress is telling the ethanol industry that we are demanding more of your product, but at the same time we are going to open the backdoor and begin subsidizing foreign sources of ethanol.

We need to ask: What is the purpose of the ethanol import tariff, and what will happen if the tariff is allowed to expire? First, the ethanol tariff serves to offset heavily subsidized ethanol from foreign countries. Brazil, which is a world leader in ethanol production, has been subsidizing its ethanol industry for the past 30 years. Now that Brazil's ethanol industry is mature and meeting a high percentage of Brazil's fuel needs, Brazil is hungry to export their subsidized ethanol to the United States. In 2005, Brazil exported 33 million gallons into the United States. In 2006, that number increased more than tenfold to 433 million gallons. That same year Brazil paid over $220 million in duties to import this amount of ethanol. Further, Members of Congress and the American public have every reason to believe this trend will continue well into the future and will certainly be expedited if the tariff is allowed to expire.

According to media reports, Brazil's state-run oil firm, Petrobas, has publicly announced plans to build an ethanol-only pipeline from central Brazil to ports in the western part of Brazil in order to more easily export ethanol to North America and Asia. According to the Inter-American Development Bank's Global Biofuels Outlook for 2007, Brazil will be exporting almost 1.6 billion gallons of ethanol by 2012. Clearly, foreign producers of ethanol would love to import billions of gallons of unregulated ethanol into our country.

The second purpose of the ethanol tariff is to offset the current tax credit available to domestic blenders of ethanol. It is important to remember that each gallon of ethanol that is blended with gasoline in the United States currently receives a 51-cent-per-gallon tax credit. This tax credit, which has played a leading role in ethanol's success story, does not discriminate between domestic or foreign sources of ethanol. If a shipment of Brazilian ethanol arrives at a U.S. port and is blended with gasoline on U.S. soil, this Brazilian ethanol is eligible for the blenders tax credit. This tax credit is currently scheduled to expire at the end of 2010.

Extending the ethanol import tariff to correspond with the expiration of the tax credit is in the best interest of our ethanol producers and the American taxpayer. If the tariff expires before the ethanol blenders tax credit expires, American taxpayers will be subsidizing hundreds of millions of gallons of foreign-made ethanol each year. Simply put, the well-intentioned policy of boosting the renewable fuels standard could have serious unintended consequences, if the ethanol tariff expires at the end of 2008. In fact, we would merely trade our dependence upon foreign sources of oil for a new and growing dependence upon foreign ethanol. This tradeoff is dangerous and will undermine hard-fought efforts to grow our domestic ethanol industry which is creating jobs and economic growth in America's heartland.

Critics of the tariff claim that we will need ethanol imports to meet a growing demand for ethanol and to comply with the strengthened renewable fuels standard. However, the facts tell a very different story. Our Nation's current domestic production capacity is 6.2 billion gallons of ethanol. According to industry experts, an additional 6.4 billion gallons of capacity are currently under construction and will soon be refining ethanol. That is a total of 12.8 billion gallons in current and planned production. By comparison, the heightened renewable fuels standard in this bill is 12 billion gallons in 2010, the year the ethanol import tariff would expire under my amendment. The renewable fuels standard will require 12.6 billion gallons in 2011. Clearly we do not need imported ethanol to meet the renewable fuels requirement included in this bill.

The Senate has also voted on extending the ethanol tariff to the year 2010. During debate on the transportation reauthorization bill in the 108th Congress, 76 Senators voted in favor of extending the ethanol tariff through the year 2010. Again, I stress, the Senate is already on record in support of the very proposal outlined in my amendment.

In addition to extending an effective renewable fuels policy, my amendment would also shed light on a disturbing loophole in our trade policy which allows foreign ethanol producers to avoid the ethanol tariff by shipping ethanol through the Caribbean Basin Initiative. The CBI is a Cold-War-era policy established to promote the political and economic stability of 24 Caribbean countries. Under the Caribbean Basin Initiative, many goods, including ethanol, can be shipped into the United States duty free. Brazil is currently shipping wet ethanol, ethanol that contains 10 percent water, to beneficiary countries, only to be dehydrated and shipped to the United States duty free. According to the Congressional Research Service, ethanol dehydration plants are currently operating in Jamaica, Costa Rica, El Salvador, Trinidad, and Tobago, all of which are Caribbean Basin Initiative countries.

Although Caribbean Basin Initiative imports are capped relative to the size of the U.S. ethanol market, these imports are increasing rapidly and could reach 2.5 billion gallons by the year 2022, under an expanded renewable fuels standard.

The troubling part of this policy is that it is unclear how much of this ethanol actually originates in Caribbean countries. If the majority of this ethanol is simply dehydrated in Caribbean countries, then the purpose of the ethanol tariff and of the Caribbean Basin Initiative is being subverted. My amendment calls for a study of Caribbean Basin Initiative imports to determine the origin of these imports and the economic impact on both the domestic ethanol market and the economies of the Caribbean Basin Initiative countries.

My amendment also promotes renewable energy on another front. Part of the revenue generated by duties applied to ethanol imports would be directed to a renewable energy fund within the United States Treasury.

This fund would be dedicated to funding renewable energy systems rebates, which were authorized in section 206 of the Energy Policy Act of 2005. Transfers from this fund would be subject to appropriations.

The section 206 rebate program offers incentives for the installation of renewable energy systems in homes and small businesses. The amount of the rebate is 25 percent of the costs for purchasing or installing the equipment or $3,000, whichever is less.

According to the Energy Information Administration, section 206 rebates could increase residential renewable energy consumption between 7 trillion to 14 trillion Btu's by the year 2010.

The Energy Information Administration also predicts that section 206 rebates would greatly increase the use of geothermal heat pumps, residential wood stoves, solar technologies, residential wind turbines, and wood-pellet and corn-burning stoves.

This commonsense, bipartisan measure gives consumers choice and flexibility to produce and consume renewable energy in their homes. Although it was supported by the Senate in 2005, it is yet to be funded. My amendment would direct some of the revenue generated from extending the tariff toward funding this important program.

Specifically, it would direct up to $100 million in 2009 and $150 million in 2010 to fund the renewable energy systems rebate program—well below the $250 million authorized level.

In conclusion, ethanol is being produced here at home at record levels, but it is an industry that is still in its infancy, and we need to be doing all we can to invest in it and encourage its growth—not the growth of foreign ethanol companies. I encourage my colleagues to support my amendment

which will keep American-made, homegrown renewable fuels at the forefront of our national energy policy.

Mr. President, I yield the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SALAZAR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that when the Warner amendment No. 1566 is offered and reported by number, the amendment be temporarily set aside and that the Klobuchar amendment No. 1557 be called, and once reported by number, the amendment be set aside and we return to the Warner amendment No. 1566.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Virginia.

AMENDMENT NO. 1566 TO AMENDMENT NO. 1502

Mr. WARNER. Mr. President, pursuant to the unanimous consent agreement, I now call up the amendment I have at the desk. It is No. 1566.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 1566 to amendment No. 1502.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the State of Virginia to petition for authorization to conduct natural gas exploration and drilling activities in the coastal zone of the State)

At the appropriate place, insert the following:

SEC. ____. AVAILABILITY OF CERTAIN AREAS FOR LEASING.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

''(q) AVAILABILITY OF CERTAIN AREAS FOR LEASING.—

''(1) DEFINITIONS.—In this subsection:

''(A) ATLANTIC COASTAL STATE.—The term 'Atlantic Coastal State' means each of the States of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Delaware, New York, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida

''(B) GOVERNOR.—The term 'Governor' means the Governor of the State.

''(C) QUALIFIED REVENUES.—The term 'qualified revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act for natural gas exploration and extraction activities authorized by the Secretary under this subsection.

''(D) STATE.—The term 'State' means the State of Virginia.

''(2) PETITION.—

''(A) IN GENERAL.—The Governor may submit to the Secretary—

''(i) a petition requesting that the Secretary issue leases authorizing the conduct of natural gas exploration activities only to ascertain the presence or absence of a natural gas reserve in any area that is at least 50 miles beyond the coastal zone of the State; and

''(ii) if a petition for exploration by the State described in clause (i) has been approved in accordance with paragraph (3) and the geological finding of the exploration justifies extraction, a second petition requesting that the Secretary issue leases authorizing the conduct of natural gas extraction activities in any area that is at least 50 miles beyond the coastal zone of the State.

''(B) CONTENTS.—In any petition under subparagraph (A), the Governor shall include a detailed plan of the proposed exploration and subsequent extraction activities, as applicable.

''(3) ACTION BY SECRETARY.—

''(A) IN GENERAL.—As soon as practicable after the date of receipt of a petition under paragraph (2), the Secretary shall approve or deny the petition.

''(B) REQUIREMENTS FOR EXPLORATION.—The Secretary shall not approve a petition submitted under paragraph (2)(A)(i) unless the State legislature has enacted legislation supporting exploration for natural gas in the coastal zone of the State.

''(C) REQUIREMENTS FOR EXTRACTION.—The Secretary shall not approve a petition submitted under paragraph (2)(A)(ii) unless the State legislature has enacted legislation supporting extraction for natural gas in the coastal zone of the State.

''(D) CONSISTENCY WITH LEGISLATION.—The plan provided in the petition under paragraph (2)(B) shall be consistent with the legislation described in subparagraph (B) or (C), as applicable.

''(E) COMMENTS FROM ATLANTIC COASTAL STATES.—On receipt of a petition under paragraph (2), the Secretary shall—

''(i) provide Atlantic Coastal States with an opportunity to provide to the Secretary comments on the petition; and

''(ii) take into consideration, but not be bound by, any comments received under clause (i).

''(4) DISPOSITION OF REVENUES.—Notwithstanding section 9, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

''(A) 50 percent of qualified revenues in the general fund of the Treasury; and

''(B) 50 percent of qualified revenues in a special account in the Treasury from which the Secretary shall disburse—

''(i) 75 percent to the State;

''(ii) 12.5 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460l–5); and

''(iii) 12.5 percent to a reserve fund to be used to mitigate for any environmental damage that occurs as a result of extraction activities authorized under this subsection, regardless of whether the damage is—

''(I) reasonably foreseeable; or

''(II) caused by negligence, natural disasters, or other acts.''.

Mr. WARNER. Mr. President, I thank the distinguished Presiding Officer and my colleagues and, indeed, the floor managers for giving me this opportunity.

I rise to bring before the Senate an amendment similar to amendments I have put forward on this same subject in years past, but I think at this time on this particular bill it is extremely important this body——

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, could I ask my colleague from Virginia to suspend for a moment while the clerk calls up the Klobuchar amendment, as provided for?

Mr. WARNER. Mr. President, I apologize, and I certainly allow that to go ahead. I thought that was done.

AMENDMENT NO. 1557 TO AMENDMENT NO. 1502

(Purpose: To establish a national greenhouse gas registry)

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for Ms. KLOBUCHAR, for herself, Ms. SNOWE, and Mr. BINGAMAN, proposes an amendment numbered 1557 to amendment No. 1502.

(The amendment is printed in the RECORD of Wednesday, June 13, 2007, under ''Text of Amendments.'')

Mr. BINGAMAN. Mr. President, I thank the Senator from Virginia, and please proceed.

Mr. WARNER. Mr. President, parliamentary inquiry: I say to the distinguished floor manager, do we have to lay this amendment aside and then go back to mine or is that taken care of? Could we ask the Parliamentarian to clarify the situation in light of the recent UC agreement?

The PRESIDING OFFICER. Under the order we now return to the Warner amendment.

Mr. WARNER. Automatically; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. I thank the distinguished Presiding Officer.

AMENDMENT NO. 1566

Mr. President, as I was saying, I have raised this basic amendment or similar ones to it over the years, but I think it is particularly pertinent this Chamber once again address this issue. I am anxious the Chamber give it very serious consideration because our situation in the United States of America and, indeed, in the context of the global demand for energy, is becoming more serious.

Our citizens are laboring under higher prices—be it for home heating oil, gasoline, natural gas—and we must look at the full potential of America to help resolve this situation. So in that sense we could, hopefully, reduce some of our dependence on the need to import various forms of energy from abroad.

It is my firm belief the United States must take a balanced approach toward its energy policy. Not only must we increase conservation—I support that—and efficiency efforts—I strongly support that—use more alternative and renewable fuels—I support that, to the extent we can; there is quite a deliberation going on as to the ability of certain States, including mine, which does

not have a lot of natural wind power during much of the year, to try to bring in wind power but, nevertheless, I encourage clean coal technology. The bottom line is, we simply have to look at the natural resources we have in this country.

Because the United States has strong domestic natural gas resources, and because the potential for increasing our domestic supply exists—because the demand is ever increasing for natural gas—I bring forward this amendment.

Natural gas is the fuel of choice for many of America's businesses and industries. Today, natural gas meets 23 percent of U.S. energy requirements. It heats 57 percent of U.S. households and accounts for 90 percent of the new electricity—new electricity—capacity built in the last 5 years.

I might also add, for those colleagues who have an interest in gasohol, look at how most of the gasohol is produced and its reliance on natural gas. That is a growing source of energy for our country, and it involves a large usage of natural gas.

Our supply clearly is not meeting our growing demand. Prices—I find this astonishing—prices for natural gas have risen 74 percent since 2000. That is in the last 7 years. Domestic production has remained comparatively flat, but imports are on the rise.

I want Senators who are thinking maybe this amendment does not meet all of their needs to think carefully about what I have said: a 74-percent increase in prices, domestic production remaining basically flat, and our imports, at considerable prices, are on the rise.

It is time America turned to its own resources. Therefore, I offer today an amendment to the pending legislation that seeks to allow my State—the Commonwealth of Virginia, providing its Governor and the State legislature concur—to explore for natural gas offshore. If that exploration—the first step. This is a two-step amendment. It simply says, first, the Governor and the State legislature—going through the various procedures with the Department of the Interior—can explore. If they find a reservoir of natural gas which economically can be extracted to help meet America's needs, then they can start a second step. The Governor has to go back to the State legislature, and with the concurrence of our Government—the legislature and Governor acting together—then, working with the Department of the Interior, the State can provide for the extraction of this natural gas, which will come—all of it—to America—it is ours—thereby lessening our reliance on importing it.

I know the Virginia General Assembly, over the years, and the Governors of Virginia have already expressed—the last two—a measure of support for exploring—I underline and I carefully delineate ''exploration'' from ''extraction.'' The Virginia Governor and the State legislature have indicated, in various ways, they are receptive to a program regarding the exploration of natural gas off the Atlantic Coast.

The amendment I offer today returns power to the Commonwealth of Virginia, using this two-step process I have outlined, to make decisions about exploration and, if they wish to go to the second step, taking the second procedure to extract that gas for purposes of bringing it to America.

So, specifically, it first allows the Governor of our State to petition the Department of Interior for a targeted waiver from the current moratorium to explore for natural gas in the waters of the Outer Continental Shelf. That term is well defined.

Should this exploration justify a second step—namely, that the exploration shows there is a sufficient reservoir for economic extraction—then the Governor goes back to the legislature, and if they agree, they can further pursue that extraction by working out arrangements, which are well known, with the Department of Interior; namely, to petition the Department of Interior for the various permittings that are required.

Again, the Virginia General Assembly has already passed legislation in favor of, and the Governor of Virginia has already expressed his support for exploring—that is ''exploration''—for natural gas in this area offshore.

When drafting this legislation, I was certain to note that Virginia's neighbors should also have an input on what goes on near their own coastlines. Consequently, if Virginia petitions the Secretary of Interior for the right to explore—that is, do the exploration—or the right to extract—a subsequent step—the Secretary of the Interior, in both instances, shall provide our Atlantic coastal neighbors with an opportunity to comment on the petition or petitions coming from the State of Virginia, because I want to ensure that these neighboring States have a voice in this process before the Secretary of the Interior—and therein resides the ultimate authority—issues the appropriate concurrences to, first, explore and, then subsequently, to extract.

This amendment also addresses a matter of equity by allowing for revenuesharing between the Federal Government and the Commonwealth of Virginia for this offshore reservoir of gas, should it be produced, that is extracted and brought to America.

My bill is modeled, in large measure, after last year's Gulf of Mexico Energy Security Act, S. 3711. That bill states that 50 percent of all revenue would be tagged for the General Treasury. Mr. President, 37.5 percent would be for the Commonwealth of Virginia. Mr. President, 6.25 percent would go to the land and water conservation fund for conservation purposes.

In addition, I have put in here—and this is for the first time that I have seen it—I want to alleviate the concerns of bordering States, and therefore, in this bill, another 6.25 percent of any revenues would be placed into a fund administered by the Secretary of the Interior which would be used to mitigate for any damages incurred by those several States as a consequence of the drilling, the exploration process, and the subsequent extraction process.

Now, it is highly unlikely, with the advanced technology, that anything would occur. You need only look at the aftermath of the travesty we experienced with the various hurricanes in the gulf recently: While some rigs were made inoperable, to the best of my knowledge, there was no consequent damage to the shoreline as occasioned by the disruption of the operation of those rigs, certainly none of any great consequence. So I repeat that it is a source of revenue for Uncle Sam, the State, and it seems to me to be very equitable in the distribution of these funds.

I once again note that this bill is natural gas only. There is no mention, no request for other products such as oil.

I have again tried to make it clear that this Nation is in dire straits regarding its domestic energy supply and its ever-increasing reliance on foreign energy. Now is the time for each Member of the Senate to stand and be counted. Geological exploration and geological analysis of these areas offshore to date have indicated that there are potentially enormous reserves of natural gas off the Atlantic coastline. I say to my colleagues, I say to every citizen of this country, now is the time we should begin to, first, find out and corroborate and verify the existence of those reserves and, second, let the individual States decide for themselves by a Democratic process—i.e., the Governor working with the State legislature—to start the extraction of those natural resources of gas.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

AMENDMENT NO. 1578 TO AMENDMENT NO. 1566

Mr. MENENDEZ. Mr. President, I have a second-degree amendment to the Warner amendment No. 1578, and I ask that it be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ] proposes an amendment numbered 1578 too amendment No. 1566.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the approval of certain States before approving a petition for the issuance of leases authorizing the conduct of exploration or extraction activities)

Beginning on page 4 of the amendment, strike line 20 and all that follows through page 5, line 3, and insert the following:

''(E) COMMENTS AND APPROVAL FROM OTHER STATES.—

''(i) IN GENERAL.—On receipt of a petition under paragraph (2), the Secretary shall provide Atlantic Coastal States with an opportunity to provide to the Secretary comments on the petition.

''(ii) REQUIREMENT.—The Secretary shall not approve a petition under this paragraph unless the Governors of all States within 100 miles of the coastal waters of the State have approved the petition.

Mr. MENENDEZ. Mr. President, I appreciate and respect the desire of the Senator from Virginia to be an advocate for his State for the pursuit of whatever natural resources it may have. However, the ocean is not refined to defined blocks that can be confined in terms of consequences. We share that Atlantic Ocean along many States. So the decision of one State, while it may be seen to be sovereign to it, actually has a ripple effect to other States, and the consequences can be very significant.

Now, the Warner amendment, far from helping end our dependence on oil, is seeking to tap another vein to feed our oil and our fossil fuel addiction. I would say to all of my colleagues in this body, all States and Members of those States who reside within the Outer Continental Shelf should be paying a lot of attention to this amendment because the undoing of the moratorium for one State can create a domino effect that will undo the whole basis of the moratorium throughout both the east and west coasts. That moratorium has existed for a quarter of a century, and for good reason. It has existed for a quarter of a century, and for good reason because it is about preserving the very essence of other natural resources as well—the shorelines of those States which often generate billions of dollars in economic activity—and also about being good stewards of the land for future generations of Americans.

Now, I appreciate that the Senator from Virginia has in his amendment a percentage of the proceeds, some which will go to the Commonwealth of Virginia, some which will go to a fund to potentially mitigate damages, but that recognizes, in fact, that damage is possible to other States. I don't want to be in a position of New Jersey having to mitigate damages caused to its coastal shoreline which is critical in estuary capacity, critical in terms of the economy of our State, critical to the fishing industry of our State, critical to the tourism of our State, and critical to the State of New Jersey. I would replicate that through other States throughout the Atlantic seaboard as well as on the Pacific seaboard. So having a fund that says to other States: Well, if there is damage, we will work to mitigate it, is not very consoling. And to think that one would say: We will only drill for gas, don't worry about it, it is not about oil, we are only going to drill for gas, but if while we are drilling for gas we happen to hit oil, to believe that, oh, we are going to stop and plug it up and we are not going to pursue oil exploration I think is rather ludicrous.

The Clean Energy Act of 2007 which we are debating is supposed to be—supposed to be—about transforming our economy from one based on fossil fuels to one based on renewable energy; from an economy which threatens our planet to one which is sustainable; from energy sources which are old and inefficient to ones which conserve our resources and use them efficiently. Instead, this amendment would promote oil and natural gas drilling in the mid-Atlantic. To me, that is an unacceptable threat to New Jersey's coastline.

The area the Senator from Virginia is interested in opening to drilling is about 75 miles from Cape May, NJ—more than close enough for spills to pollute New Jersey's beaches. Furthermore, any drilling in the mid-Atlantic puts us on a slippery slope toward a day when oil rigs are the norm along the entire eastern coast. One of the greatest jewels of New Jersey is without a doubt our shore. Millions of people visit the Jersey shore every year, bringing an estimated $20 billion into the State's economy—$20 billion into the State's economy—and creating hundreds of thousands of jobs. We simply cannot afford to put our shoreline at this type of risk.

Mitigation doesn't help us. We had a time in New Jersey history where oil slicks, where garbage came up on New Jersey's beaches and shores, and the consequences were enormous for the State's economy, for the vitality of the communities that are along the shoreline, consequences in employment. We worked very hard at cleaning up through the Clean Water Act and other initiatives to make sure the shoreline was preserved for future generations of New Jerseyans and, for that fact, the entire Outer Continental Shelf for the future generations of Americans who call that part of our country home.

Now, the proponents of this amendment say that other States on the east coast will have the opportunity to provide input into any drilling decision, but to be very honest, the Secretary of the Interior will have the ability just to ignore their views and approve a recommendation for drilling anyway. Actually, this administration has already, through the mineral-mines management part of the Interior Department, been promoting a plan that actually seeks to create more drilling off the Outer Continental Shelf. It is an advocate of that regardless of any potential consequences to natural resources. So I have no faith in a Secretary of Interior directed by an administration that promotes drilling, and all he has to do is say: OK, I heard you, New Jersey; thank you, but no thanks. That doesn't do anything to safeguard the sovereignty of any State that may be affected by the decisions of another State as it relates to the Outer Continental Shelf. This would leave States well within the scope of environmental impacts helpless—helpless—to stop most leases and, more importantly, for the circumstance at hand in my home State of New Jersey, we could not object to any drilling off the coast of Virginia—object in a way that would ultimately have a consequence—even though this drilling could seriously endanger our coast.

Now, the proponents of this measure also claim drilling for natural gas will not have any negative environmental impact on our shores. With all due respect, that assertion is just simply not rooted in science, and it couldn't be more wrong. Massive amounts of waste muds and drill cuttings are generated by drilling operations. Most of this waste is dumped untreated into surrounding waters. Drilling muds often contain toxic metals, including mercury, lead, and cadmium. Mercury in particular has been found in very high concentrations around rigs in the Gulf of Mexico and has raised significant concerns about contamination of fish.

In our own State of New Jersey, one of the challenges—and I know Virginia has very significant port activity as part of its economic generation—where there are ports, in the nature of the activity that takes place in those ports, there is often contamination of various sites. We had that reality as we dealt with the Port of Elizabeth in Newark and the Port of Newark in New Jersey, the megaport of the east coast. So the reality is that drilling muds often contain toxic metals, and mercury in particular is one of those.

A second major polluting discharge is called produced water. Produced water typically contains a variety of toxic pollutants, including benzene, arsenic, lead, naphthalene, zinc, toluene, and can contain varying amounts of radioactive pollutants. All major field research programs investigating produced-water discharges have detected petroleum hydrocarbons, toxic metals, and radium in the water column downcurrent from the discharge. Again, these pollutants have a devastating effect on fish populations that are already under considerable stress, particularly along the eastern seaboard, and those industries are very important, not only to the economies and the jobs they create and the economies of those States but to the consumers of those States who seek to have fish as part of their daily diet.

Now, even if offshore areas are leased for gas exploration, there is always the possibility that oil could also be found, and if oil is found, the exploration company will surely drill for it since there has never been an instance where a lease prohibits—prohibits—an oil company from developing oil if oil is found in a ''gas-prone region.'' Without such a restriction included in the lease, there would be no assurances that oil, in fact, would not be developed, raising the possibility of an oil spill.

According to the Department of the Interior, 3 million gallons of oil spilled from Outer Continental Shelf oil and gas operations in 73 incidents between 1980 and 1999. Oil is extremely toxic to a wide variety of marine species. Even if oil is not found, liquid natural gas condensates and can also spill. These gas condensates are highly toxic to virtually all forms of marine life.

Those are just some of the environmental concerns. But beyond these environmental impacts, the Department of Defense has specifically expressed grave concerns about drilling off the coast of Virginia. In a letter drafted on April 10, 2006, to the Minerals Management Service, the Department of Defense made it clear that drilling off the coast of Virginia would interfere with the Department of Defense training and testing exercises.

The letter states in part that proposed drilling would compromise the Virginia Cape's operations area. The Navy, Army, Air Force, and Marine Corps all use the Virginia Cape's operation area for critical training that could not be accomplished elsewhere.

The letter makes clear that any structures built in the water where these types of activities are conducted would severely restrict military activities to test missile systems or have amphibious or air training missions. The letter by the Department of Defense concludes by saying:

[b]ecause hazards in this area to operating crews and oil company equipment and structures would be so great, the department opposed oil and gas development activity in this Outer Continental Shelf planning location.

The moratorium this amendment would begin to undo began in 1981, and it has continued ever since then. Congress has imposed restrictions on the Outer Continental Shelf leasing in sensitive areas off the Nation's coasts. These moratoria now protect the east and west coasts of the United States and a small portion of the eastern Gulf of Mexico near Florida.

The moratoria reflects a clearly established bipartisan consensus on the appropriateness of OCS activities in sensitive areas of the country, and they have been endorsed by an array of elected officials from all levels of Government and diverse political persuasions.

Mrs. BOXER. Mr. President, will the Senator yield for a question?

Mr. MENENDEZ. In a moment, I will be happy to. I strongly oppose lifting these protections because not only is there concern for my home State of New Jersey, which has enormous consequences, but at the same time, the incredible domino effect it can have as it relates to the overall moratorium on the Outer Continental Shelf. Anyone who believes it can just be done for Virginia and that others will not pursue it and they have at least under this amendment's procedures very little to say—they can raise a clamor, but they have no real ability to do anything.

My amendment simply says, if we are going to let this happen, those States within 100 miles from where the drilling should take place should have some significant say, the ability to have a significant say about their future as well, their economies as well, and the right to be good stewards of the land for future generations of their States and of this Nation as well.

I am happy to yield to my distinguished colleague from California.

Mrs. BOXER. Mr. President, I have a couple questions for the Senator. I am very taken with his response to this amendment offered by my dear friend, one of the senior members of the Environment and Public Works Committee. I feel the Senator from New Jersey has hit on a number of points, and I wish to go over them. So if we reiterate, I think it is important.

This Energy bill is supposed to be about reducing our dependence on fossil fuels, not increasing it. It seems to me that by turning to the same old, same old is ignoring the fact that our coastlines and our shores and the area out 50 miles where this will kick in are huge economic engines for our various States.

So doesn't my friend believe, to restate his argument in a slightly different way, that we are going back to the same old solutions and ignoring what has happened in the last 20 years since we protected our coasts, that the economic engines of our coastal States have driven jobs and tourism and all the good things that come with a protected coast?

Mr. MENENDEZ. I appreciate the Senator's question. The reality is that for a quarter of a century, we have had a moratorium exactly because we have come to understand that the values that are generated by our coastal regions, in economic terms, in terms of the environment, in terms of marine and aquatic life, in terms of all the ripple effect that means, has a greater value than any of the deposits that might exist there.

The Senator from California is absolutely right as well, if all we are going to do is go back to what this bill seeks to undo, which is our dependency on oil, whether that oil is foreign or that oil is domestic, at the end of the day, it is a nonrenewable source, it is a highly polluting source, and it has consequences to the ozone. Yes, the Senator is absolutely right. That is why I oppose it.

Mrs. BOXER. I have a further question. I would like to get the attention of Senator BINGAMAN, if I may, on this particular question because there are some people in this Chamber who think this particular amendment just deals with Virginia. Is it not so, if we look at page 2, it deals with any coastal State, and it is defined here to mean Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Delaware, New York, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida? So we are not just dealing at all, as I understand it, with one State. It appears as if we are dealing with a number of States on the east coast, if not all the States that border on the coast.

Mr. MENENDEZ. I think the latest copy of the amendment that was filed, the final copy that was filed by Senator WARNER only says the State of Virginia, if I am not mistaken, on page 2 at line 21. But I do believe, however, that the consequence of opening the Outer Continental Shelf, even for one State, has a ripple effect to all the States the Senator mentioned.

Mrs. BOXER. So the amendment I have in front of me, 1566, is not the amendment that is before the Senate; is that correct? Parliamentary inquiry to the Presiding Officer: Is amendment No. 1566 not before the Senate, or has it been modified since it included all the other States?

The PRESIDING OFFICER. It is before the Senate.

Mr. BINGAMAN. Mr. President, I perhaps can clarify for the Senator from California, there is a definition of Atlantic coastal States on the second page of Senator WARNER's amendment. But the definition, as I read the amendment, is there for the purpose of defining which States are eligible to comment on a petition the Governor of Virginia would make or submit. Only the Governor of Virginia and only the State of Virginia is affected by it, except to the extent these other States have a right to comment.

Mr. WARNER. Mr. President, I simply say to my distinguished colleague and chairman of the Environment and Public Works Committee, on which I am privileged to serve, this amendment is carefully drawn to apply only to Virginia.

Mrs. BOXER. Yes, I understand.

Mr. WARNER. The Senator can oratorically describe something. This is a one-State package.

Mrs. BOXER. I thank the Senator. That is why I took the floor to ask some questions because my staff reading of it was not correct. I am glad it only applies to Virginia.

However, my next question I was going to ask of my friend from New Jersey is this, because I think it is very important: We have one country from sea to shining sea. It seems to me my friend is pointing out, even with comments from other States, if, in fact, one particular Governor prevails, will there not be impacts most likely on other States?

Mr. MENENDEZ. Yes. The answer, in my view, is clearly yes. I appreciate that Senator WARNER says this is drafted only for the State of Virginia. It is drafted only for the State of Virginia so far as that State will make a determination as to whether to exempt itself from the moratorium. But the consequences of that action clearly have, in my mind, consequences to other States that will be absolutely neutered in their ability to do anything more than to vociferously object but without consequence. So, therefore, a drilling takes place. Even the Senator recognizes by virtue of having in his amendment a provision where some of the royalties go to the State of Virginia, some go to a fund for the purposes of damages done by a spill. So, therefore, there is a recognition of the possibility of damage, and who is that damage to? To other States.

I don't want to be in a position of having to draw on a fund because my State has been damaged. I wish to avoid the damage in the first instance, and that clearly cannot be done under the amendment as offered. That is why my second-degree amendment is so critical to States for them to have a say as well about their well-being.

Mrs. BOXER. I am not going to take very much time. I say to my good friend, I know he is just looking at his own State but, in essence, what he will do today, if he succeeds, is to destroy, I believe, a very important bipartisan environmental agreement that has been in place for decades now—I guess it is, what, 25 years or so, or getting close to that—where we have basically said as Republicans and Democrats: We have a God-given country, and one of our most precious resources is our coastlines, our shores; that because we have stood together, shoulder to shoulder, on this issue perhaps until this moment—and I hope not, but so be it, we are going to find out—we send a signal to our States that they should preserve and protect their coastlines and, indeed, to many in the private sector who have taken advantage of the fact that the beauty of our coastlines, the beauty of our oceans that attract millions of tourists, not just from around the United States to our coastlines but from throughout the world.

I would hate to see us today, through the amendment process, without a pretty good hearing, take a step to cast asunder 25 years of bipartisanship and agreement by Presidents, both Republican and Democratic.

Look, we know we want to become energy independent, and I think this underlying bill takes us very far down that road. Why turn to the same-old, same-old answers, when we have within our grasps the ability to get better fuel economy in our cars, the ability to get new kinds of renewable fuels, the ability to look forward, not backward, and not cast asunder the beauty we have inherited, I believe, from our Creator?

I hope we can stand firm on this point because I am very fearful that if this idea is adopted, it is the beginning of the unravelling of something of which I have been so proud to be a part. I came to the Congress in 1982. I know my colleague has been here much longer than that. The fact is, since that time, we have worked in such a good way to preserve and protect the coasts.

Again, I thank my colleague.

Mr. WARNER. Mr. President, will the Senator entertain a question?

Mrs. BOXER. I will be happy to.

Mr. MENENDEZ. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. MENENDEZ. I will be happy to yield. I wish to make sure I have not yielded the floor.

Mr. WARNER. Mr. President, this measure is deserving of a strong colloquy. I have often felt it is through the colloquies that the Senate does its best work, not through a series of canned speeches and everybody getting up and down. Anyway, so much for that.

The Senator from California said 25 years this moratorium has been in effect. I say to my good friend, I have been here 29 years, and I have watched the Nation in these 25 years grow more and more dependent on foreign energy. When this moratorium was put in, we didn't have $4 to $5 a gallon gasoline prices. We didn't have natural gas at its all-time high. I say to my good friend from California, this is a changing world, and we cannot lock ourselves into a world that existed 25 years ago and ask our citizens to continue to bear these ever-increasing costs.

This Senate last year approved legislation which granted to the several States in the gulf the right to continue drilling. So it is not as if I am breaking a precedent. Other States have been accorded this right. Why deny my State, if my citizens, my Governor, decide it is in the best interest of our State? Is there nothing left to States rights?

The Senator talks about this pollution thing—

Mrs. BOXER. Mr. President, is the Senator asking a question?

Mr. WARNER. Yes. Then I will pose a second one.

Mrs. BOXER. I will answer that one because it was so brilliantly posed. I got caught up in the Senator's poetic expression. I don't want to forget.

I think Senator MENENDEZ, and pretty soon we are going to hear from an eloquent opponent of Senator WARNER's amendment, Senator NELSON from Florida, they are going to express how they feel being on the east coast. I am on the west coast. But, again, to me the beauty of this whole moratorium has been that we have said our coastlines and our ocean, that those are national treasures, east coast, west coast. And I think my colleague, Senator MENENDEZ, has pointed out, it isn't as easy as all that. You are not going to build some kind of a sand dune around the drilling. You don't know what could happen. You don't know how far the problem could go. I know the Senator talks about the mitigation fund, but that just speaks to the point. So it isn't just about one State, it is about an entire coast, and it is about a precedent.

Let me just say to my friend that the world has changed after 9/11. I voted to go to war against bin Laden—and we are still waiting—and, clearly, we learned very quickly over the years that we have to not be dependent on foreign oil, but we also understand we need a strong economy and a good economy, which means some other things, too. It means a beautiful coast, it means a healthy tourist industry, it means a healthy fishing industry.

There are more jobs in tourism in my State than almost any other sector. So I think it is simplistic to say the only thing that drives us is oil. As I said, the beauty of the underlying bill is that we want to get past that and into the new solutions that are coming. We are going to have a vote, probably, on the CAFE standards, corporate average fuel economy, if Senator FEINSTEIN's provision remains. It will be the equivalent of taking 5 million cars off the road.

So there are new ways to think about the future, new ways to get off of foreign oil, and I don't think a good new way is to cast asunder years of bipartisan agreement and perhaps endanger the economies of many States along the Atlantic coast.

The PRESIDING OFFICER. The Senator from New Jersey has the floor. If there are other Senators who wish to ask a question, they need to ask it through the Senator from New Jersey.

Mr. WARNER. If the Chair would indulge as much colloquy as is possible—and before the chairman leaves, she posed, in a sense, a situation. So if I could ask just two quick questions, I ask of my colleague.

Mr. MENENDEZ. I would be happy to yield to the Senator from Virginia for the purpose of propounding his questions.

Mr. WARNER. I thank my colleague.

Now, the Senator from California is the distinguished chairman of the Environment and Public Works Committee, and she has raised this specter of oil flow, and my good friend from New Jersey is talking about the oil that has washed up.

Does the Senator from California know what percentage of the oil that reaches our beaches, absent a tanker problem, the oil that seeps from this drilling, what percentage ever comes to shore?

Mrs. BOXER. We don't have any offshore oil drilling very much anymore in California, but I am familiar with the big spill that occurred in Santa Barbara, which was so devastating that our State said never again, and our Governors, Republicans and Democrats, have said never again to drilling in State waters.

Now, I can't give the Senator an answer to his question, but I have seen Exxon *Valdez*, and I have seen the great damage that has been done in my home State, as we study what happened in Santa Barbara. It is fortunate we don't have much offshore drilling in my State anymore, so I would be happy to have my friend put that in the RECORD.

Mr. WARNER. I thank my colleague.

Mr. President, I ask unanimous consent to have printed in the RECORD the following from the National Academy of Sciences, a very trusted and respected objective organization. According to their studies, less than 1 percent of petroleum seepage comes from drilling and extraction activity—63 percent, conversely, comes from natural seepage; 32 percent from cars, boats, and other sources; and 4 percent from transportation.

So I just have to say this is workable.

Mr. MENENDEZ. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. MENENDEZ. I will not ultimately object, but I would note that it is not just the potential from drilling and it is not just the potential of oil spills from drilling. I have listed in my remarks a series of other consequences environmentally from drilling, but it is also the consequence of when drilling takes place and then we have, during hurricane seasons, the consequences to those drill rigs and how that can create a disruption.

So there are many facets that are involved that are not addressed by the National Academy of Sciences information. But as it relates to the Senator's unanimous consent request, I will withdraw my objection so that he may enter that into the RECORD, and I will reclaim my time.

Mr. WARNER. Well, then, I would say to both colleagues, if I could, lastly, put the question to both colleagues, because this is intrinsic to the debate: Is it your position that the United States of America shall never permit its several States to ever, ever, ever drill offshore, be it east coast, west coast? And, somehow, I don't know how you rationalize it, we will let the gulf do it, but we won't let the two coasts do it?

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. WARNER. If I could have my colleague answer that question.

Mrs. BOXER. I will wait in line. It is his time.

Mr. MENENDEZ. Reclaiming my time, I appreciate the dialogue, and if the Senator from California would like to respond, I will yield to her.

Mrs. BOXER. I would. I want to be very clear—very clear. I support drilling where it makes sense to drill. I oppose drilling where it doesn't make sense. I submit to my friend and to the Senate and to the American people that we made a very wise bipartisan decision a long time ago—and I think we should stick to it—that the fact is, it is important for the economy of the coastal States to keep and preserve the coast in the pristine nature in which it was given to us by God. That is my view, and I hope we will not support this amendment.

Mr. MENENDEZ. Mr. President, reclaiming my time, I see my colleague from the State of Florida is here, and he has a lot of experience in the situation, so I will be happy to yield to him for his comments.

Mr. NELSON of Florida. Mr. President, I thank the Senator, and while the chairman is here and while the distinguished Senator from Virginia is here, for whom, he knows, I have the utmost respect, I want to point out very respectfully to the Senator that the statistics that he just indicated from the National Academy of Sciences do not take into consideration the natural disasters that occur, such as hurricanes.

As a result of the 2005 hurricanes all along the gulf coast, oil rigs upended, and there were oil slicks on the beaches and the shores of Louisiana. We have innumerable photographs of pelicans and other birds completely covered. So there is the fact on the Atlantic coast and the gulf coast of hurricanes.

The other thing I wanted to point out to the distinguished chairman because someone will argue that the Senator from Virginia is only proposing gas drilling, as the Senator from California knows, it was a gas well off of Santa Barbara three decades ago that suddenly spilled all of that oil, from which came this moratorium that was placed on the Continental Shelf of the United States.

Now, with regard to the point of the distinguished Senators from Virginia about drilling in the gulf but not off the rest—

Mr. WARNER. Parliamentary inquiry, Mr. President: I believe the Senator from New Jersey has the floor, and I believe the rules do not permit him—

Mr. NELSON of Florida. He yielded to me.

Mr. WARNER. I think he yielded for the purpose of a question, not to your right to the floor. Just a technicality, but I think we ought to—

The PRESIDING OFFICER. The Senator from New Jersey has the floor. The Senator from New Jersey may yield for a question.

Mr. WARNER. That is right, but, Mr. President, I don't hear the question. I hear a speech. That is fine. I think we want to hear the speech. I don't wish to deny him the right to speak, but let us at least follow parliamentary procedure.

The PRESIDING OFFICER. The Senator is correct.

Mr. NELSON of Florida. Mr. President, if the Senator from New Jersey will yield.

Mr. MENENDEZ. I will be happy to yield.

Mr. NELSON of Florida. I will put it in the form of a question. But the Senator from Virginia knows that this Senator did not object when he did not make his remarks in the form of a question.

Now, my question to the Senator from New Jersey would be, since this Senator was one of the people who crafted with other Senators the compromise off the Gulf of Mexico last year, giving—I might remind the Senator from Virginia—twice as much area to drill but was kept off the State of Florida for the purposes that we have been discussing, but for another reason was kept off, and that was the U.S. military—the largest training and testing area in the world—would the Senator from New Jersey be surprised to know that the Department of Defense, Department of Navy, has objected to the drilling that the Senator from Virginia has proposed off of his coast?

I read specifically a letter dated April 10, 2006, from the Assistant Secretary of the Navy:

> We have considerable concern, however, with the proposed lease sale areas within the Mid-Atlantic Planning Area off the coast of Virginia.

It goes on to reaffirm:

> Because hazards in this area to operating crews and oil company equipment and structures would be so great, the Department opposes oil and gas development activity in this OCS planning location.

I would further ask the Senator from New Jersey, does he not remember that was one of the strongest arguments that this Senator made in designing the area that could be drilled in the Gulf of Mexico, basically off of Alabama and Louisiana and keeping it away from the training and testing area where the live ordnance and the testing of new weapons is?

Then, because of that, would it surprise the Senator from New Jersey that one of the most eminent supporters of the U.S. military—the Senator from Virginia, the person whose knee I have sat at and learned so much as the former chairman of the Senate Armed Services Committee—would now be in contradiction with the request of the U.S. military? Would the Senator believe what I just said?

Mr. MENENDEZ. Well, I appreciate the Senator from Florida asking a question and raising a concern. I expressed it in my comments. I am familiar with the letter of the Department of Defense to the Minerals Management Service of the Department of the Interior that made clear that drilling off the coast of Virginia would interfere with the DOD's training and testing exercises, and it went on for a variety of reasons and then concluded by saying:

> Because hazards in this area to operating crews and oil company equipment and structures would be so great, the Department opposes oil and gas development activity in this OCS planning area.

So, yes, I am aware, and it is an additional concern. However, I know the Senator from Virginia has an exceptional record, which we all admire, in his support of the Nation's military forces. I am sure that somehow he believed he could overcome that objection. Nonetheless, it is an objection on the record in addition to the objections of States such as my own.

What I hope, in reality, is that the second-degree amendment I have offered to the amendment from the Senator from Virginia would be accepted and we could move forward because it still would allow Virginia to move forward, but it would give those States whose coastline is within 100 miles of the coastal waters of Virginia the real opportunity to work between States to come to a mutually satisfactory conclusion. I think that is a reasonable effort to try to achieve some compromise.

I know the Senator from Virginia raised previously with the chair of the Environment Committee: Well, does it mean that we shouldn't drill anywhere else? Well, the gulf coast had already

been drilling. It had been well established. But there is a reason there is a moratorium for other parts of the country, and the distinguished Senator from Florida wanted to preserve what is a critical part of the Florida coastline, which means so much to Florida's economy and to all of us who visit, as Americans, the great State of Florida—what it means to us as Americans, as one Nation.

Yes, there isn't a one-size-fits-all policy, I say to my friend from Virginia. Just because the gulf coast has for quite some time pursued it, there are limitations, limitations the Senator from Florida created to ensure its coastline.

Last, we talk about the cost. What is the cost of an oilspill? What is the cost of a leakage? What is the cost of the consequences? What is the cost of a hurricane? What is the cost to the other States, not just New Jersey, but the other States within 100 miles of the coastal waters of Virginia?

I believe our amendment allows Virginia to move forward, but it has to move forward in concert with those States that can most profoundly be hurt, potentially, as is recognized by the amendment of the Senator by virtue of the fact of creating a fund for damage, so they can work together and come to a conclusion.

In the absence of that amendment being accepted, I have to notify the body that this is such a critical issue to my State and to others along the Outer Continental Shelf that this Senator is willing to spend as much time on the floor as is necessary to pursue the full discussion of this matter and, if necessary, to raise it to a 60-vote level because it is that critical an issue.

I thank the Senator from Florida for his observations. I thank him for his leadership in this regard, both past and present.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I wonder if I might reply to my good friend for a minute, and I will then likewise yield the floor so my colleague from Florida, my good friend, can continue in his own right.

First, I think I have worked out with the Department of Defense an answer to your question. I simply do not have with me at this time the documents, so therefore I am going to have to indulge the Senate by either laying my amendment aside or some other parliamentary procedure to let the Senate go forward until I can come back with that. I thank the Senator for bringing that up because it is an important consideration. We have a significant command there, the Atlantic Command.

I wish to go to the amendment of my good friend and read the last paragraph:

> Requirement.—The Secretary shall not approve a petition under this paragraph unless the Governors of all States within 100 miles of the coast waters of the State—

presumably the State making the petition—

> have approved the petition.

That gives all the Governors a veto power on this; Mr. President, would that be correct? I pose that as a question to my colleague.

Mr. MENENDEZ. I am happy to answer. What it is is an opportunity for those Governors within 100 miles of the coastal waters of the State of Virginia to work together to ensure that their interests are protected and maybe come to a collaborative approach as to how it might be done, which the Senator from Virginia does not, under his amendment, permit in any way whatsoever.

Mr. WARNER. There is a difference between the amendments. My amendment generally states the Secretary of the Interior, who is the final arbiter of this whole issue, would entertain the petitions from the several Governors, whatever geographic area, as he, the Secretary of Interior, makes a decision.

But I think the Senator has gone a step too far. If there is anything left of States' rights after this sort of paragraph, I don't know what it would be. Listen to what you say:

> The Secretary [Interior] shall not approve a petition under this paragraph unless the Governors of all States within 100 miles of the coastal waters of the State have approved the petition.

It doesn't say anything about working it out. It is flat veto power put in the hands of such Governors within 100 miles.

Mr. MENENDEZ. If I can respond to my friend from Virginia, I would say under the amendment of the distinguished Senator, clearly there are no States' rights for those States that will be affected by the amendment of the Senator. Second, there can be no negotiation of any consequence if there is not some sound footing under which one can negotiate. If you have no right, then there is very little to negotiate.

Mr. WARNER. Mr. President, I am enjoying this debate, perhaps to educate the Senate. But I bring up another situation to my good friend who has recently joined this body. I don't know how many times I have gone to the floor and contested the right of the several States north of my State, largely, to ship through Virginia thousands of tons of garbage by truck, by rail, leaking, exuding methane gas in my State.

You have the good fortune of a clause in the Constitution on interstate commerce, by which you can throw up your hands and say it is the exercise of that constitutional power. You say my State cannot object to your shipping garbage through it every day. The Senator knows New Jersey ships through 1,000 tons of it. Yet you are saying to me, we cannot go through a process—working with the Federal Government of the United States and the Department of Interior—to drill offshore unless your Governor and all others, any one of the Governors within 100 States—if he has not given the approval, this thing stops?

Mr. MENENDEZ. If the Senator will yield, first of all it is all Governors within 100 miles, not 100 States.

Mr. WARNER. No, 100 miles.

Mr. MENENDEZ. But the distinguished Senator from Virginia has a very significant port operation in his State, and his trucks come through the interstate into the State of New Jersey and do quite a bit of damage on the roads of New Jersey along the way, in terms of the wear and tear, in terms of the movement of its product. Some of that product is not the most fanciful product we might all enjoy. That is the collectivity of our consequence as a Nation.

There is a reason there is a moratorium that we, collectively as a body, the Congress, have adopted for 25 years. The distinguished Senator, whom I admire so much on so many issues, wants to aggregate what the Congress has done as a body for his State, without recognizing there are consequences to others. I simply offer an amendment that says we will allow Virginia to do what they want, but they must do it in concert with those within 100 miles of its territorial waters. I didn't say the whole eastern seaboard but within 100 miles of its territorial waters, to make sure those States rights are not affected.

Mr. WARNER. Mr. President, ''in concert'' to me means entrusting to the Secretary of that department of our Federal system, by which the power resides, to grant or deny the license. That Secretary has to arbitrate the concerns of all Governors within 100 miles of this drilling, so to speak. I thought that is the only procedure I know. But I think you have gone to an extreme. You put an absolute veto power in.

At this time, I would like to advise my colleague that, in consultation with the managers of the bill, I would like to lay my amendment aside until I can give a definitive answer to the Senator from Florida. I think I have it worked out in the Pentagon, but I need to provide you with the documents to manifest that resolution.

I will put in a quorum call at this time, such that the managers can advise me.

I will withhold that if the Senator wishes to speak.

Mr. NELSON of Florida. I will only speak briefly, since the distinguished Senator from Virginia is going to lay his amendment aside. But I point out, when he does bring forth the documentation from the Department of Defense, it needs to answer the Assistant Secretary of the Navy's admonition:

> . . . but because hazards in this area to operating crews and oil company equipment and structures would be so great, the Department opposes oil and gas development activity in this OCS planning location.

Further, I remind the two Senators involved in this colloquy—the Senator

from New Jersey and the Senator from Virginia—one of the reasons we crafted the compromise last year that we did, that still allowed drilling in the central gulf area and indeed allowed more acres of drilling than had originally been sought, was we constructed it not only so it was far away from the pristine beaches of Florida, which are so necessary to our economy, that it did not intrude upon the military testing and training area, which is essential to the preparation for the defense of this country, but that in addition, we consulted all the nautical charts to find the currents so that if an oilspill occurred, it would lessen the likelihood that the currents would carry it to the coastline.

As the Senator talks as if 100 miles is some statute of the Holy Grail, I would simply say that what should be the concern, since Virginia happens to be close to North Carolina and South Carolina and also happens to be close to Maryland and Delaware and New Jersey—that what clearly ought to be considered are the water currents, the ocean currents, instead of an arbitrary question of miles.

Mr. WARNER. Mr. President, in reply to the question of my good friend, I remember that very well. As a matter of fact, he and I worked on that. I remember breaking out the charts in the Armed Services Committee and looking how the aircraft and everything would operate and the ships in that area. You are well spoken and well taken on that.

But I have to tell you, Senator, face to face, things have changed. Every day, things change. We have to reexamine, periodically, that framework of laws that have protected our environment, to a certain extent, in the light of our growing desperate needs for energy and the growing capability of our industrial base to do the drilling, to do the extraction in such a way as to minimally put at risk our environment.

I do not take a backseat to any person in this Chamber with regard to my fervor in protecting the environment. I don't want to be called a tree hugger, but I am one step removed. I work on that Environment Committee, where I have now served 24 years or something—I don't know, a long time.

Mr. NELSON of Florida. The Senator certainly doesn't take a backseat to anyone in this Chamber in his protection of the interests of the U.S. military.

Mr. WARNER. That is correct. But the military can't do a broad sweep. I know what is underlying this thing. I have to get the papers here. There are certain navigational aspects of it, certain electronic aspects, but the military can't say no drilling on the east coast.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Florida.

Mr. NELSON of Florida. Madam President, I further point out to the Senators involved in this debate that this Senator's perspective certainly agrees with that of the Senator, that we have to produce the energy we have to produce. But the problem is, what has changed and what ought to be changed, I say to the Senator from Virginia—the distinguished senior Senator from Virginia, for whom I have great affection and respect—is that the policy of this country has been drill, drill, drill for too long. It is time for us to break that psychology and start moving into alternative fuels other than oil.

This Senator from Virginia knows full well, as well as anybody else, there is this precarious flow of oil from all foreign ports, including the very hazardous port I visited in Nigeria, which is virtually unprotected to any kind of terrorist activity and from which this country gets 12 percent of its daily consumption of oil, from that one nation, Nigeria.

The problem has been the past and the present policy attempted not to be changed, this mindset of drill, drill, when, if we keep that up, we will not do what we have to do to protect ourselves; that is, break this dependence, wean ourselves from this dependence on oil.

So I am sure, with the eminent intelligence and salubrious nature of the Senator from Virginia, we can work this out.

Mr. WARNER. I hope it works out my way, Madam President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is soordered.

AMENDMENT NO. 1568

Mr. TESTER. Madam President, I know there is at least one amendment pending on the floor. I want to speak about a different amendment, but I am not going to call it up. I only want to talk about it with hopes that it will be called up in the near future and be given the kind of consideration we do here in the Senate, and hopefully get it put on this energy bill we are discussing. It is the geothermal initiative amendment.

I first thank my colleagues Senators BINGAMAN, REID, MURKOWSKI, STEVENS, SALAZAR, AKAKA, SANDERS, SNOWE, and HATCH for cosponsoring this amendment. It is all about geothermal energy. It is what geothermal energy can be as far as a key component to our Nation's energy security, and how it can help contribute to a national renewable electricity standard.

I have to point out that when we talk about the RPS amendment, the renewable portfolio standard amendment Senator BINGAMAN has, it seems as though the conversation always revolves around wind when, in fact, we ought to be talking about a lot more than wind.

One of those things is geothermal energy. Geothermal energy is something that is clean, it is efficient, it is, in fact, renewable and can fight climate change. Once again, this amendment will do several things to help our geothermal energy potential: It supports research and development, development and demonstration of commercial applications of geothermal energy projects, it supports State cooperative development programs, and it supports research and development of commercially viable applications. It advances high pressure and high temperature drilling so we can get into the zones that best have geothermal potential, and it prioritizes discovering and characterization of geothermal resources.

If you take a look at the map we have here of the United States, you take a look at this, and in the light green, or the lime green, I should say, is where we have less ability to have geothermal activity. The darker the green into the orange and red is where we have more potential. Through this bill we can help develop that potential and through an assessment determine where most of our ability to get geothermal energy is. I think it is quite extensive. As you can see, it is nationwide.

This amendment also has a national geothermal assessment component to it. The last time we had a comprehensive assessment for geothermal energy was back in 1978. We have got far better technology now, and we need to do it right this time.

Unfortunately, this assessment program did not receive funding to complete the assessment. But this amendment will provide the funding to give us the assessment. Take a look at the map of the United States. Take a look at the map of Montana. You can see once again we have tremendous ability for geothermal development here and in the Southwest. I live right here. It is blue. I can tell you from oil wells that were drilled over 60 or 70 years ago, there is geothermal potential there, but we do not know about it because we have not done the assessment for so long. It doesn't even show up. So there are a lot of areas around the country, I believe, where geothermal will work and help create our energy independence in a long-term energy policy.

This bill also gives assistance to academic institutions and State governmental agencies, particularly in the intermountain west and Alaska. These are institutions that are teaming up with businesses to get pipes in the ground.

Ultimately, we will have the ability, through this amendment, to maximize our ability to have geothermal energy to contribute to our electricity supply, heating supply, and other energy needs in this country.

A couple of months ago I had the opportunity to meet with President

Grimsson of Iceland. Twenty-seven percent of their electricity comes from geothermal resources. Of course, in Iceland that makes sense. Eighty-seven percent of their homes are heated with geothermal heat. They even lay pipes in the ground to melt the roads and keep them free of snow in the wintertime. It is something that has already been done and that we can do here in this country. It does not apply just to Montana, it applies to the entire country, and we can have our geothermal resources developed. Montana has great geothermal resources, but we need to have an overall geothermal policy that maximizes our ability to draw energy from the heat in the ground, not only in places such as Montana, but also in places such as Arizona, Louisiana, Texas, Maine, and New Hampshire, and just about every State in the Union.

I will tell you this amendment is a bipartisan amendment. It is innovative, in that we have not even begun to tap our potential for geothermal energy in this country, and it is clean.

I would encourage all of the Members of this body, when this geothermal amendment comes to the floor, that we give it good consideration and attach it to the bill so we can have geothermal energy be a significant part of our energy future.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Madam President, I recognize we are in the midst of a debate surrounding the Outer Continental Shelf.

I would ask unanimous consent to speak briefly as in morning business on a related but different topic.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Madam President, the facts about our Nation's energy consumption are not pretty right now. The United States currently consumes one-quarter of the world's oil. Sixty percent of the oil we consume comes from foreign countries, including many countries whose interests are hostile to us.

To make matters worse, the oil used in the U.S. transportation sector accounts for one-third of our Nation's emissions of greenhouse gases. It is long past time for us to take significant steps to use oil more efficiently in order to deal with the dual challenges of climate change and energy dependence.

In January of this year, California took an important first step toward addressing this problem by establishing a low-carbon fuel standard for passenger vehicle fuels sold in the State. Under the California standard, the carbon intensity of these fuels would be reduced by 10 percent by the year 2020.

In signing the executive order creating the low carbon fuel standard, Governor Schwarzenegger noted some of the dangers of his State's excessive reliance on gasoline: volatile oil prices dictated by hostile foreign countries, lack of economic security, American jobs at risk, businesses in jeopardy, and, most importantly, dangerous levels of greenhouse gas emissions. I applauded the Governor's leadership on this issue and want to take his proposal one giant step further.

Today, I rise to suggest that it is time for us to establish a national low carbon fuel standard for the entire transportation fuel pool in the country, whether the fuel is used for cars, trucks, or airplanes. I recognize we will not be able to move this necessarily on the legislation currently pending, but it is important for us to introduce the concept. I have already spoken to Senator BINGAMAN.

If my proposal were to become law, by the year 2015, the carbon emissions in our national fuel supply would be 5 percent less than they are now. By the year 2020, the carbon emissions would be 10 percent less. The effect of these seemingly modest reductions would be significant. According to one estimate, a national low carbon fuel standard would reduce annual greenhouse gas emissions by about 180 metric tons in 2020. This is the equivalent of taking 30 million cars off the road by 2020.

My amendment would reduce carbon emissions overall in the transportation fuel pool, but it would not dictate what feedstocks could satisfy the low carbon fuel standard or how many gallons of a particular fuel would have to be produced. Instead, fuels could be mixed and matched to achieve the carbon reduction targets. In essence, the market would dictate what pool of fuels would be sold in the United States in order to satisfy requirements. The fuels could be corn-based ethanol, cellulosic ethanol, biodiesel made from soybeans, electricity used by plug-in hybrid vehicles, or perhaps some kind of fuel that has not even been developed yet. The only requirement is that the overall mix of fuels sold in the United States would have to meet the carbon reduction targets set forth in my proposal.

This is a new concept. Indeed, fewer than 6 months have passed since California adopted it. I know some of my colleagues are not familiar with how it would work, so let me address the relationship between the low carbon fuel standard and something we know a lot about, the renewable fuels standard.

Under the able leadership of the two Senators from New Mexico, the Energy Committee has crafted the underlying bill to require greater volumes of biofuels in our national fuel supply. The bill increases national production goals in the RFS over the next 15 years and establishes the first production targets of next-generation fuels such as cellulosics. Under the bill, the RFS target would increase to 36 billion gallons of renewable fuels by the year 2022. When combined with the new advanced biofuels requirement in the bill, this would result in an estimated 2 to 6 percent reduction in carbon emissions in our national fuel pool in 15 years. These are significant reductions, but I believe we can do better.

My low carbon fuel standard would require a 10-percent reduction in carbon emissions by 2020. I know that sounds ambitious, but the magnitude of our Nation's problems demands bold and innovative action. Indeed, the experts with whom we have consulted firmly believe that a 10-percent reduction is realistic, with greater research in advanced biofuels and new fuel sources. But that research will only happen if businesses are assured of a market for their new products. Just as the existing RFS has spurred the construction of ethanol plants, a low carbon fuel standard would incentivize development of new advanced fuels.

We in Congress support biofuels because these fuels strengthen our energy security, support our rural economies, and reduce our greenhouse gas emissions. But our current policy doesn't recognize producers when they do a better job achieving these goals. Our farmers, manufacturers, and investors are ready to produce better biofuels, fuels that are more efficient, fuels that support a broader base of rural communities, fuels that reduce greenhouse gases by 90 percent or more, but they need a signal that their investment in better performance will be recognized in the marketplace.

Let me be clear: A low carbon fuel standard is not intended to replace the RFS. Instead, the two standards would complement each other by encouraging greater use of renewable fuels. Here is an important difference between the two standards: The RFS evaluates renewable fuel based on the feedstock that creates the fuel, while the low carbon fuel standard looks at the carbon emissions produced by the fuel. That is an important distinction as we wrestle with perhaps the greatest challenge of our generation—climate change.

Going forward, it is not enough just to say that a fuel uses homegrown products such as corn or soybeans. We also need to look at what effect the fuel has on carbon emissions. This amendment does that and, in doing so, offers something for everyone. If you support rural America, this approach ensures widespread development and use of biofuels from agricultural products. If you support energy security, this approach reduces our consumption of oil by 30 billion gallons by 2020, 60 percent of which would have to be imported from foreign sources. If you support certainty for industry, this approach provides the market certainty that is critical for investment dollars in key technologies. Most importantly,

if you support the environment, this approach reduces carbon emissions by 180 metric tons by 2020 and ensures that any future billion-dollar capital investment in a fuel plant would have to produce a fuel with better life-cycle greenhouse gas emissions than conventional gasoline because under a low carbon fuel standard there would be no place for carbon-intensive fuels.

The energy debate this week underscores the fact that as we pursue the best course of action for our energy independence, there are no perfect answers. There is no single fuel or feedstock that offers the best combination of affordability, reliability, transportability, and sensitivity to the environment. Even if there were, I am not sure we in this Chamber would be the most qualified to identify it. But our current course; that is, maintaining our dependency on an unstable region of the world for the fuel we cannot live without, is far too great a risk to delay action. That requires us to take aggressive action that will set the stage for the second and third generation of fuels that will truly help us achieve energy independence and fight global warming. A low carbon fuel standard accomplishes these goals.

Finally, let me say a word to my colleagues about climate change. I know that when it comes to the word ''carbon,'' the range of views among my colleagues is varied and complex. I am among those Senators who believe carbon from human activities contributes to climate change, that it is an immediate threat, and that we must immediately require emission reductions through a strong cap-and-trade system. Others among my colleagues agree with some type of carbon-controlled economy but disagree with the various legislative approaches to date. Still others believe the climate is in no imminent danger.

The approach I have suggested here today addresses carbon, but it allows my colleagues to maintain their differences on the larger debate of climate change while coming together to achieve progress on all our multiple policy goals, whether it is ending our energy dependence, attacking the problem of climate change, promoting economic stability, or creating American jobs. I am aware this proposal may be a little bit ahead of its time, but given the magnitude of our problems, we can't afford to be too cautious in our policy solutions.

I am going to be urging my colleagues to learn more about this approach. I have talked to Senator BINGAMAN. I will be talking to Senator BOXER as well. My hope is that if we are not able to introduce this amendment during the current debate, we reserve time when we have a debate on dealing with global warming and climate change to ensure that this approach gets full consideration.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KOHL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Madam President, I ask unanimous consent that the pending amendment be set aside and that I be recognized to call up amendment No. 1519; that once the amendment is reported by number, I be recognized to speak in reference to the amendment; that the amendment then be set aside, and Senator DEMINT then be recognized to call up his amendment No. 1546, and that once Senator DEMINT concludes his statement, the amendment be set aside; and that prior to Senator DEMINT being recognized, Senator BYRD be recognized to speak as in morning business; and that the DeMint amendment be called up after I conclude my remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. KOHL. Thank you very much, Madam President.

AMENDMENT NO. 1519 TO AMENDMENT NO. 1502

Today, Madam President, I rise to offer an amendment with Senators SPECTER, LEAHY, GRASSLEY, BIDEN, SNOWE, FEINGOLD, COBURN, SCHUMER, DURBIN, BOXER, LIEBERMAN, and SANDERS, which will authorize our Government, for the first time, to take action against the illegal conduct of the OPEC oil cartel. It is time for the U.S. Government to fight back on the price of oil and to hold OPEC accountable when it does act illegally. Our amendment will hold OPEC member nations to account under U.S. antitrust law when they agree to limit supply or fix prices in violation of the most basic principles of free competition.

Our amendment—identical to my NOPEC bill, S. 879; legislation that now has 14 cosponsors—will authorize the Attorney General to file suit against nations or other entities that participate in a conspiracy to limit the supply, or fix the price, of oil. In addition, it will specify that the doctrines of sovereign immunity and act of state do not exempt nations that participate in oil cartels from basic antitrust law. I have introduced this legislation in each Congress since 2000. This legislation has passed the Judiciary Committee unanimously four times since it was first introduced, including this April, and in 2005 passed the full Senate by voice vote as an amendment to that year's energy bill before being stripped from that bill in the conference committee. Last month, companion House legislation passed the other body by an overwhelming 345 to 72 vote. It is now time for us to at last pass this legislation into law and give our Nation a long-needed tool to counteract this pernicious and anticonsumer conspiracy.

Throughout the last 2 years since we last considered this measure on the Senate floor, consumers all across the Nation have watched gas prices rise to previously unimagined levels. As crude oil prices exceeded $40, then $50, and then $60 per barrel, retail prices of gasoline over $3 per gallon have now become commonplace. While prices have temporarily receded from time to time, the general trend is consistently, and significantly, upwards. Gas prices have now increased 77 cents per gallon just since the start of the year to a national average of $3.07 per gallon, which is an increase of more than 30 percent.

As we consider gas price changes, one fact has remained consistent—any move downwards in price ends as soon as OPEC decides to cut production. Referring to the 18 percent rise in worldwide crude oil prices since the start of the year, OPEC President Mohammed al-Hamli commented ''we had a bad situation at the beginning of the year. It is much better now.'' The difference was OPEC's decision last fall to enforce combined output cuts of 1.7 million barrels of oil a day in order to drive up the price of crude oil. And while OPEC enjoys its newfound riches, the average American consumer suffers every time he or she visits the gas pump or pays a home heating bill. The Federal Trade Commission has estimated that 85 percent of the variability in the cost of gasoline is simply the result of changes in the cost of crude oil.

So there is no doubt that the price of crude oil dances to the tune set by OPEC members. Such blatantly anticompetitive conduct by the oil cartel violates the most basic principles of fair competition and free markets and should not be tolerated. If private companies engaged in such an international price fixing conspiracy, there would be no question that it would be illegal. The actions of OPEC should be treated no differently because it is a conspiracy of nations.

For years, this price fixing conspiracy of OPEC nations has unfairly driven up the cost of imported crude oil to satisfy the greed of the oil exporters. We have long decried OPEC, but, sadly, no one in Government has yet tried to take any action. This amendment will, for the first time, establish clearly and plainly that when a group of competing oil producers such as the OPEC nations act together to restrict supply or set prices, then they are violating U.S. law. The amendment will not authorize private lawsuits, but it will authorize the Attorney General to file suit under the antitrust laws for redress.

The most fundamental principle of a free market is that competitors cannot be permitted to conspire to limit supply or fix price. There can be no free market without this foundation. And we should not permit any nation to flout this fundamental principle.

The suffering of consumers across the Nation in the last few years has made me and many others more certain than ever that this legislation is necessary. I urge my colleagues to support this

amendment so that our Nation will finally have an effective means to combat this price-fixing conspiracy of oil-rich nations. The Senate should now join with 345 of our colleagues in the House of Representatives and vote to add the NOPEC legislation to the Energy bill.

Madam President, I yield the floor.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself, Mr. SPECTER, Mr. LEAHY, Mr. GRASSLEY, Mr. BIDEN, Ms. SNOWE, Mr. FEINGOLD, Mr. SCHUMER, Mr. COBURN, Mr. DURBIN, Mr. LIEBERMAN, Mrs. BOXER, Mr. SANDERS, and Ms. KLOBUCHAR, proposes an amendment numbered 1519 to amendment No. 1502.

The amendment is as follows:

(Purpose: To amend the Sherman Act to make oil-producing and exporting cartels illegal)

At the appropriate place, insert the following:

SEC. ___. NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2007.

(a) SHORT TITLE.—This section may be cited as the ''No Oil Producing and Exporting Cartels Act of 2007'' or ''NOPEC''.

(b) SHERMAN ACT.—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

''SEC. 7A. OIL PRODUCING CARTELS.

''(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

''(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

''(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

''(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

''(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

''(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

''(d) ENFORCEMENT.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.''.

(c) SOVEREIGN IMMUNITY.—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking ''or'' after the semicolon;

(2) in paragraph (7), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(8) in which the action is brought under section 7A of the Sherman Act.''.

Mr. LEAHY. Madam President, I am proud to join Senator KOHL in supporting his amendment to the Energy Act. Under Senator KOHL's leadership, the NOPEC bill has passed unanimously out of the Senate Judiciary Committee without amendment in four separate Congresses, under both Democratic and Republican leadership.

This NOPEC amendment will hold accountable certain oil producing nations for their collusive behavior that has artificially reduced the supply and inflated the price of fuel. Unless this amendment becomes law, consumers across the Nation will continue to suffer.

According to a recent Washington Post article, gas prices last month came within a half-penny of the modern era's inflation-adjusted record set in 1981. The rise and fall of oil and gas prices has a direct impact on American consumers and our economy.

Prices have come down slightly in recent weeks, but that is no reason to condone anticompetitive conduct by foreign government cartels. American consumers should not be held economic hostage to the whim of colluding foreign governments.

Just a few days ago, the Associated Press reported Iran's oil minister's statement that the members of OPEC would not release more oil into the market. This, despite reports that demand is on the rise. Without collusion, OPEC members would compete to serve that demand and prices at home would fall.

When entities engage in anticompetitive conduct that harms the American consumers, it is the responsibility of the Department of Justice to investigate and prosecute. It is wrong to let members of OPEC off the hook just because their anticompetitive practices come with the seal of approval of national governments. I am disappointed that the administration, which announced it would oppose this bill, does not share this view.

NOPEC has bipartisan, bicameral support. The Senate Judiciary Committee approved it unanimously, and the House passed it with 345 Members voting for it.

We cannot claim to be energy independent while we permit foreign governments to manipulate oil prices in an anticompetitive manner. It is long past time for Congress to act. I thank Senator KOHL for his leadership on this issue.

AMENDMENT NO. 1546 TO AMENDMENT NO. 1502

Mr. KOHL. Madam President, at this time I ask unanimous consent that Senate amendment No. 1546 be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for Mr. DEMINT, proposes an amendment numbered 1546 to amendment No. 1502.

Mr. KOHL. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that legislation that would increase the national average fuel prices for automobiles is subject to a point of order in the Senate)

At the appropriate place, insert the following:

SEC. _____. LIMITATIONS ON LEGISLATION THAT WOULD INCREASE NATIONAL AVERAGE FUEL PRICES FOR AUTOMOBILES.

(a) POINT OF ORDER.—

(1) IN GENERAL.—If the Senate is considering legislation, upon a point of order being made by any Senator against legislation, or any part of the legislation, that it has been determined in accordance with paragraph (2) that the legislation, if enacted, would result in an increase in the national average fuel price for automobiles, and the point of order is sustained by the Presiding Officer, the Senate shall cease consideration of the legislation.

(2) DETERMINATION.—The determination described in this paragraph means a determination by the Director of the Congressional Budget Office, in consultation with the Energy Information Administration and other appropriate Government agencies, that is made upon the request of a Senator for review of legislation, that the legislation, or part of the legislation, would, if enacted, result in an increase in the national average fuel price for automobiles.

(3) LEGISLATION.—In this section the term ''legislation'' means a bill, joint resolution, amendment, motion, or conference report.

(b) WAIVERS AND APPEALS.—

(1) WAIVERS.—Before the Presiding Officer rules on a point of order described in subsection (a)(1), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in subsection (a)(1) is waived only by the affirmative vote of 60 Members of the Senate, duly chosen and sworn.

(2) APPEALS.—After the Presiding Officer rules on a point of order described in subsection (a)(1), any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled. A ruling of the Presiding Officer on a point of order described in subsection (a)(1) is sustained unless 60 Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(3) DEBATE.—Debate on the motion to waive under paragraph (1) or on an appeal of the ruling of the Presiding Officer under paragraph (2) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the Majority leader and the Minority Leader of the Senate, or their designees.

The PRESIDING OFFICER. Without objection, the amendment is set aside.

The Senator from West Virginia is recognized.

(The remarks of Mr. BYRD are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Madam President, parliamentary inquiry: What is the regular order?

The PRESIDING OFFICER. Amendment 1546, the Kohl amendment, on behalf of Senator DEMINT, is the pending amendment.

AMENDMENT NO. 1572 TO AMENDMENT NO. 1502

Mr. SALAZAR. Madam President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 1572.

The PRESIDING OFFICER. Is there objection?

The Senator from Tennessee has reserved the right to object.

The Senator from Colorado is recognized.

Mr. SALAZAR. Madam President, while my colleagues are seeing if they can work out the objection, let me proceed to speak about this amendment.

The amendment I hope to call up is amendment No. 1572, and it is an amendment which is part of——

Mr. ALEXANDER. Madam President, if the Senator will yield.

Mr. SALAZAR. I yield.

Mr. ALEXANDER. The Senator has a worthy amendment of which I am proud to be a cosponsor. At the moment we are checking with Senator DOMENICI, so if at this point the Senator wishes to speak to his amendment and give us a few minutes, we would appreciate that.

Mr. SALAZAR. That will be fine. I appreciate the Senator from Tennessee and his leadership, not only on these issues, but also on park issues and so many other issues that he has spent a long career working on in behalf of our country.

The amendment No. 1572, which I have introduced with my colleagues Senator BAYH, Senator ALEXANDER, Senator LIEBERMAN, Senator BROWNBACK, Senator COLEMAN, Senator CANTWELL, Senator LINCOLN, Senator CLINTON, and Senator BIDEN, is an important amendment to move us forward in our vision of energy independence and to set America free from the addiction we have on imported oil. The amendment we have here is part of the DRIVE Act, which is sponsored by a group of 26 Senators, a true bipartisan coalition which has wanted to move forward in our efforts to set America free from our addiction to foreign oil.

The DRIVE electric amendment will make better use of the electricity in the transportation sector by spurring development and deployment of plug-in hybrid electric vehicles and by promoting oil savings at key transportation hubs, including airports and truckstops. The amendment we are offering today will move us toward our oil savings targets included in this bill by making better use of electric in the transportation sector.

Currently, it is our cars, trucks, boats, planes, and trains which account for about two-thirds of the Nation's oil consumption. The easiest way to save oil and reduce our dependence on imports is to first improve the efficiency of our vehicles, which we are doing in the underlying bill in a number of ways, especially by raising the CAFE standards and helping manufacturers refuel their vehicle fleets; secondly, by replacing the oil-based fuels that power our vehicles with energy from other sources.

The amendment we are offering today will help substitute electric for oil in the transportation sector in two ways. First, this amendment encourages commonsense oil-saving electrification measures at truckstops, ports, and airports. Our amendment directs the Secretary of Energy, in coordination with the Secretary of Transportation and EPA, to create a revolving loan and grant program to support the electrification of these transportation hubs.

You would be surprised at how much oil we can save through these simple measures. For example, truckers must rest 10 hours after driving for 11 hours. When they do this, they often park at truckstops, leaving their engines idling to power heaters, air-conditioners, TVs, or refrigerators. This overnight idling by long-haul trucks consumes around 20 million barrels of oil per year. The solution is very simple: You simply give truckers the option of plugging their trucks into an electrical outlet to power their systems while they are stopped at these truck stops. The EPA today estimates that this measure alone would save around $3,240 in fuel costs per truck parking space per year. We can take similar measures at airports and seaports to improve efficiency of handling cargo, refrigerating goods, and powering vehicles. Our amendment helps transportation hubs make these oil- and cost-saving investments.

The second way in which our amendment improves the use of electricity in the transportation sector is through the development and deployment of plug-in hybrid and electric drive technologies.

The National Renewable Energy Lab in Golden, CO recently conducted a simulation to assess the capabilities of plug-in hybrid electric technology. The simulation showed that a plug-in hybrid electric vehicle fleet with modest technological capabilities would double the fuel economy of a conventional fleet, with less than half the energy costs per mile.

Detroit is on the cusp of offering these plug-in hybrid electric vehicles to consumers across the Nation and across the world. Some of the prototypes are far more advanced than those which NREL studied and would get over 100 miles to the gallon, with energy cost to the consumer that is equivalent to around 75 cents per gallon of gas. These plug-in hybrid vehicles are a building block of our new energy economy, and we should be doing more to push these technologies out the door. Americans will benefit from these plug-in hybrid electric vehicles with lower costs and reduced emissions.

While the underlying bill would allow for basic and applied energy storage research, the amendment we are proposing would also establish an electric drive transportation research and development program. That program would stimulate research into high-efficiency onboard and offboard charging components, high-power and energy-efficient drivetrain systems, powertrain development and integration, the use of advanced materials technology, and several other areas that are key to getting electric and plug-in hybrid vehicles to the American consumer.

Our amendment will also help prepare utility companies to handle the added load these new vehicles will place on the electrical grid. We have directed the Secretary of Energy and EPA to work with the utilities to develop low-cost, simple methods of using off-peak electricity and better managing on-peak use to support a growing fleet of electric drive vehicles.

These investments in research and preparation of our electrical grid will usher in an era when all assumptions about how we power our cars and trucks will change. We will see oil consumption, emissions, and costs fall, and we will see a new way of innovation and design, with American engineers leading the charge.

So that America gets out front on the development of this electric drive revolution, we are creating a nationwide education program for electric drive transportation technology. The amendment will provide financial assistance to create new university-level degree programs for needed engineers, support student plug-in hybrid electric vehicle competitions, and promote other educational initiatives. We believe American minds can and should power this electric drive revolution so that our best and brightest are delivering the next generation of American cars to consumers.

I am proud of how far we have already come on the Energy bill that is before us today. Chairman BINGAMAN and Senator DOMENICI, along with the leaders of the Environment and Public Works Committee, the Commerce Committee, and the Finance Committee, have done yeoman's labor over the last 5 months to get us to where we are today.

The DRIVE Act electric amendment will magnify the positive impacts of this bill and accelerate the arrival of a clean energy future in which all Americans can access plug-in hybrid technologies that save them gas and money.

I urge my colleagues to support this bipartisan amendment which, again, has the cosponsorship of Senator LIEBERMAN, Senator BROWNBACK, Senator COLEMAN, Senator CANTWELL, Senator LINCOLN, Senator CLINTON, Senator BIDEN, and my colleague from Tennessee, Senator ALEXANDER.

Madam President, I inquire of my friend from Tennessee if I can call up my amendment.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, if I can say to the Senator through the Chair, the Senator still would like to have a chance to talk with Senator DOMENICI. In the meantime, both Senators WARNER and DEMINT have brief

statements they would like to make. We are working quickly on Senator SALAZAR's amendment.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 1566, AS MODIFIED

Mr. WARNER. Madam President, I call for the regular order, and I believe that will make my amendment pending. I send to the desk a modification. I have a right to modify my amendment.

The PRESIDING OFFICER. The Senator has that right, and the amendment will be so modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. _____. AVAILABILITY OF CERTAIN AREAS FOR LEASING.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

''(q) AVAILABILITY OF CERTAIN AREAS FOR LEASING.—

''(1) DEFINITIONS.—In this subsection:

''(A) ATLANTIC COASTAL STATE.—The term 'Atlantic Coastal State' means each of the States of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Delaware, New York, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida

''(B) GOVERNOR.—The term 'Governor' means the Governor of the State.

''(C) QUALIFIED REVENUES.—The term 'qualified revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act for natural gas exploration and extraction activities authorized by the Secretary under this subsection.

''(D) STATE.—The term 'State' means the State of Virginia.

''(2) PETITION.—

''(A) IN GENERAL.—The Governor may submit to the Secretary—

''(i) a petition requesting that the Secretary issue leases authorizing the conduct of natural gas exploration activities only to ascertain the presence or absence of a natural gas reserve in any area that is at least 50 miles beyond the coastal zone of the State; and

''(ii) if a petition for exploration by the State described in clause (i) has been approved in accordance with paragraph (3) and the geological finding of the exploration justifies extraction, a second petition requesting that the Secretary issue leases authorizing the conduct of natural gas extraction activities in any area that is at least 50 miles beyond the coastal zone of the State.

''(B) CONTENTS.—In any petition under subparagraph (A), the Governor shall include a detailed plan of the proposed exploration and subsequent extraction activities, as applicable.

''(3) ACTION BY SECRETARY.—

''(A) IN GENERAL.—As soon as practicable after the date of receipt of a petition under paragraph (2), the Secretary shall approve or deny the petition.

''(B) REQUIREMENTS FOR EXPLORATION.—The Secretary shall not approve a petition submitted under paragraph (2)(A)(i) unless the State legislature has enacted legislation supporting exploration for natural gas in the coastal zone of the State.

''(C) REQUIREMENTS FOR EXTRACTION.—The Secretary shall not approve a petition submitted under paragraph (2)(A)(ii) unless the State legislature has enacted legislation supporting extraction for natural gas in the coastal zone of the State.

''(D) CONSISTENCY WITH LEGISLATION.—The plan provided in the petition under paragraph (2)(B) shall be consistent with the legislation described in subparagraph (B) or (C), as applicable.

''(E) COMMENTS FROM ATLANTIC COASTAL STATES.—On receipt of a petition under paragraph (2), the Secretary shall—

''(i) provide Atlantic Coastal States with an opportunity to provide to the Secretary comments on the petition; and

''(ii) take into consideration, but not be bound by, any comments received under clause (i).

''(4) DISPOSITION OF REVENUES.—Notwithstanding section 9, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

''(A) 50 percent of qualified revenues in the general fund of the Treasury; and

''(B) 50 percent of qualified revenues in a special account in the Treasury from which the Secretary shall disburse—

''(i) 75 percent to the State;

''(ii) 12.5 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460l–5); and

''(iii) 12.5 percent to a reserve fund to be used to mitigate for any environmental damage that occurs as a result of extraction activities authorized under this subsection, regardless of whether the damage is—

''(I) reasonably foreseeable; or

''(II) caused by negligence, natural disasters, or other acts.''.

SEC. ___

No extraction or exploration plan under this provision shall be accepted by the Secretary of the Interior if the Secretary of Defense determines that such a plan is inconsistent with critical military test or training activities off the Virginia coast.

Mr. WARNER. Madam President, I should like to read it for the benefit of those following the debate. The modification is as follows. A new section is added to my amendment:

(5) No extraction or exploration plan under this provision shall be accepted by the Secretary of the Interior if the Secretary of Defense determines that such a plan is inconsistent with critical military test or training activities off the Virginia coast.

The distinguished Senator from Florida referred to a letter he read regarding the concerns the Department of the Navy—and most specifically, the Office of the Assistant Secretary of the Navy—had with regard to the ability of this body to enact legislation which presumably would result in the Department of Defense finding that something was done inconsistent with our national security interests. So this modification corrects that so that the Secretary of the Interior, acting under my amendment, would not take any such action unless he had the concurrence of the Secretary of Defense.

I also have discovered, since the colloquy between Senator NELSON of Florida and myself, a letter which was written subsequent to the letter he had and addressed the Senate. This letter addresses a modification to the letter of April 10, 2006. This letter was written on November 27, 2006, and it states the following:

Notwithstanding the above, the Department is willing to discuss with you—

That is, the Department of Interior—

possible alternatives that may provide opportunities for exploration and potential joint use of the Mid-Atlantic area consistent with the critical military test and training activities in this area.

The letter goes on to say:

Our departments—

That is, the Department of Defense and the Department of the Interior—

have worked closely together over the years to insure a continuing successful leasing program with a manageable impact on defense operations. We agree that oil and gas development on the Outer Continental Shelf must strike a balance between our Nation's energy and national security goals. As the administration moves forward on a plan to best meet the Nation's oil and gas energy needs for 2007 to 2012, we look forward to working with you to ensure its success.

Clearly, this indicates that with all good intention my colleague from Florida read the older letter which is now amended substantially by a subsequent letter that the Department of Defense will work with the Secretary of Interior to make certain that any action with respect to drilling off the coast of Virginia is not inconsistent with national defense requirements.

Madam President, I am perfectly willing to accommodate the managers as to how best they want to proceed on a vote. I hope I can get my amendment up this afternoon for purposes of a vote, but I leave that to the discretion of the managers.

I yield the floor, and I thank the Chair for her courtesy.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Madam President, what is the pending business?

The PRESIDING OFFICER. The amendment of the Senator from Virginia is pending. He called for the regular order.

AMENDMENT NO. 1546

Mr. DEMINT. Madam President, I ask unanimous consent to set aside the pending amendment, and I call up amendment No. 1546. It is pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. I understand the amendment is pending.

Madam President, my amendment will make it harder for this body to enact legislation that increases the price of gasoline. That may sound unneeded in a debate where the whole purpose is to supposedly relax the price of gasoline in this country, lower the price for our consumers. The whole bill is supposedly aimed at providing stable and affordable energy, including gasoline for all American citizens; however, I am disappointed that this bill actually does nothing to reduce prices and may very well show that Congress will propose policies that would raise the prices of gasoline in the future.

Specifically, there is nothing in the bill to ensure Congress will not enact legislation that actually increases the

cost of gasoline. At the very least, this Senate should take a ''do no harm'' approach to legislating and enact safeguards to ensure that we do not increase the cost of gasoline for American consumers. My amendment will do just that. It is very straightforward. It would require that the Congressional Budget Office evaluate legislation and determine whether it would increase the cost of gasoline. If the legislation does increase the cost of gasoline, a 60-vote point of order would lie against the bill. This applies the same principles we use in the congressional budget process to energy policy.

The traveling public is coping with high prices of gasoline every day, and while there are many factors out of our control that are forcing up the cost of gasoline, we can control what we do in the Senate.

I know some of my colleagues may support policies that would raise the price of gasoline and, consequently, raise the point of order that I am proposing, but I encourage them to amend this bill anyway. If the policy they are proposing is important enough, then this body will come together with more than 60 votes to pass their bill.

We can adopt this commonsense proposal which ensures that at the very least, the Senate is less likely to increase the cost of gasoline as we seek to improve the Nation's energy policy.

I thank the Chair for this time. I encourage my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1572 TO AMENDMENT NO. 1502

(Purpose: To reduce United States dependence on foreign oil by promoting the development of plug-in electric vehicles, deploying near-term programs to electrify the transportation sector, and including electric drive vehicles in the fleet purchasing programs)

Mr. SALAZAR. Madam President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 1572.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for himself, Mr. BAYH, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, Ms. CANTWELL, Mrs. LINCOLN, Mrs. CLINTON, and Mr. BIDEN, proposes an amendment numbered 1572 to amendment No. 1502.

Mr. SALAZAR. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. SALAZAR. Madam President, I ask unanimous consent that Senator BROWNBACK be recognized to speak on this amendment for up to 10 minutes, and following Senator BROWNBACK, then to hear from Senator CARDIN for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I thank my colleague from Colorado for this recognition. I am a cosponsor of this amendment, and he is the lead sponsor of the drive electric amendment. This is an exciting bipartisan proposal. It has 26 cosponsors. It does one narrow issue, but it is a big one, and that is this: It gives consumers another option in the marketplace.

Right now, we are 97 percent dependent on oil for our transportation fuel. We are trying to expand that into ethanol, having more ethanol in the marketplace, and I think that is key. What this amendment focuses on is getting another option out there, a great one—it is an electric option—and to put it forward so we can have more transportation running off electricity. I think one of the key things for us to do in our future is to be able to reduce our consumption of oil, particularly foreign oil, and one of the key ways for us to do that is to have our transportation fleet become more electric—a plug-in technology where you plug the car in at night in the garage and you drive the next day. About half of the Nation doesn't drive over 30 miles a day. Having plug-in cars that can go that first 30 miles off electricity and then switch over, I would hope, to ethanol, E85 ethanol at that point, in fact, could reduce aggressively, substantially, and quickly our dependence on foreign oil.

This amendment is a part of an overall strategy that a number of us have put forward. One of the amendments of this strategy was passed on Monday, where an oil savings plan was put forward and accepted by this body in the overall bill.

Let me go to the specifics of this particular bill, if I could, and I know the Senator from Colorado will get to these more in depth, but the DRIVE electric amendment would expand the advanced transportation technology program in H.R. 6 and augment the energy storage competitiveness program in section 244 of the bill. The funding of $125 million would be authorized for the near-term deployment, market assessment, and the electricity usage provisions of the amendment.

The point of this is, if we are to rapidly expand plug-in technology, where the car is driven initially, or the pickup is driven initially off of electricity and then on to gasoline or ethanol, we need to get storage technology in the batteries. We need to get drive train technology to be able to do this, and it is within reach. I talked to a representative of General Motors yesterday about having the first wave of plug-in cars in the marketplace as soon as possibly 2008 or 2009.

These are exciting prospects, but you have clear hurdles that we have to overcome in the process. Those are identified in this bill, and we provide funding for the research in those areas to go forward. We also urge the Federal Government in fleet acquisition programs to establish under the Energy Policy Act of 1992 an assurance that fleet operators subject to that law can choose electric drive transportation technology, including hybrid electric vehicles, for compliance.

This amendment is endorsed by a large group, certainly electric companies, as you might suspect, but also others interested in stretching our fuel usage, our oil usage in this country, and getting it from other sources. I might point out, too, one of the things people ask about: OK, if you are going to switch to electric, you are going to have to build more power-generating units, and that may happen in the future. But initially we can handle this by using the power grid we have now in offpeak hours.

Most of the plug-ins will happen at night. Most of the recharging will happen at night. So you don't have to build additional capacity to be able to do this. It is good for the environment, reducing our CO_2 emissions overall into the atmosphere, and it is good for the economy. It develops a new way of moving forward on personal transportation on a mass quantity basis for us to be able to do it in this society and then sell that technology globally. So it helps our car manufacturers to be able to compete.

I think this is a win all the way around, and I am delighted to be a cosponsor of the amendment with my colleague from Colorado, Senator SALAZAR, and many others.

I would urge my colleagues to adopt this amendment as a key provision to how we become energy secure in the next 15 years, while at the same time growing our economy and helping the environment. All together it is an exciting and excellent amendment, and I urge my colleagues to support it.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Madam President, I ask unanimous consent that Senator KLOBUCHAR be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Madam President, I thank my friend from Kansas for his great statement with respect to the DRIVE electric amendment, and I also recognize that he was one of the original members of the whole coalition that put together this DRIVE Act and was part of implementing the principles of the Set America Free Coalition.

Madam President, I yield the floor to my friend from Maryland, Mr. CARDIN, who is up next.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

AMENDMENT NO. 1566

Mr. CARDIN. Madam President, let me thank my friend from Colorado for his courtesy.

This Nation needs energy independence for many reasons. We need it for

our national security. We should not be making decisions on foreign policy based upon our oil needs from countries that disagree with our foreign policy objectives.

We need energy independence for economic reasons. Today, we held a hearing in the Committee on Small Business and pointed out the dangers to our economy because of the unpredictability of gasoline prices.

We need energy independence because of environmental issues. For this reason, I want to emphasize why I have great respect for my colleague from our neighboring State of Virginia, but I very much disagree with the amendment that he has submitted, and I urge my colleagues to reject the Warner amendment.

For 25 years, the Outer Continental Shelf moratorium and the long-standing Presidential OSC withdrawals have protected our coasts. There are several reasons I oppose the Warner amendment. Virginia and Maryland are neighboring States, and we share a lot. We share a coast, we share the Chesapeake Bay, and we share a special way of life because of the Chesapeake Bay.

The coast and the bay are critically important to our region because of tourism, because of commercial and recreational sports fishing, because of the real estate impacts, and because of the quality of life. Billions of dollars in our economy depend upon the health of our coasts, and many jobs are dependent upon what we do in protecting our shores.

Gas drilling presents an unacceptable risk, and we should not allow it to take place. I heard my friend say this is a Virginia issue. No, it is not a Virginia issue. It will have a direct impact, or could have a direct impact on my State of Maryland and on neighboring States. Liquid gas condensed is highly toxic to marine life. Waste discharges, mud spills, everything you can conceive of related to drilling presents a true risk to the environment in my State and surrounding States. We don't need to incur this type of a risk.

Now, we don't have to look very far to see what has happened historically with spills. In 2002, there was a spill 150 miles—not 50 miles but 150 miles—off the coast of Spain. It affected 1,000 beaches in Spain and France. If there is a spill during unpredictable weather, it can be transmitted hundreds of miles and can affect an entire region. So this is a very important decision we are making as to whether to open up drilling along the Virginia coast, which will affect our entire east coast of the United States.

The main tragedy is that we don't need to do this. We can't drill our way to energy independence. The United States has but 5 percent of the world's reserves in oil and gas. That is not the way we are going to be able to achieve energy independence. The bill that we have before us is a balanced bill. It recognizes first and foremost that we need to become energy independent through efficiency, saving energy use, using less energy in our buildings, using less energy in transportation, and conserving our energy use. That is the first way to do it.

On alternative and renewable energy sources, yes, we can achieve a lot toward energy independence, and we also should be doing a lot more in research to determine ways in which we can use energy more efficiently and produce more alternative and renewable energy sources. But we are not going to drill our way out of our energy problems.

As I said in the beginning, energy independence is important for our security, for our economy, and our environment. I believe the Warner amendment will take us a step backwards in trying to make sure as we present policies to make us energy independent that we also protect our environment. I urge my colleagues to reject the Warner amendment.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GENERAL PETER PACE

Mr. INHOFE. Madam President, the other day I saw something—and I should have it with me but I don't now—in the media that was critical of GEN Peter Pace, the outgoing Chairman of the Joint Chiefs of Staff. When I think of words to describe Peter Pace, the words that come to my mind are always loyalty and honor. Those happen to be the words of the United States Marine Corps. These are their watch words.

Peter Pace is today, and has always been, a true marine—the first marine to serve as both the Vice Chairman and Chairman of the Joint Chiefs of Staff. He is loyal to this country, its people, and to the men and women who wear the uniform of its Armed Forces.

He served this country with honor as a rifle platoon leader in Vietnam. He has done everything: a marine commander in Somalia, commander of U.S. Marine forces in the Atlantic, commander of the U.S. Southern Command, and then Vice Chairman of the Joint Chiefs of Staff.

As Chairman, he has led our military during one of the most critical times in history, fighting in wars against terrorists in Afghanistan and Iraq, engaged throughout the world providing support and aid to our allies and friends.

I have long been, and still am, a real fan of Peter Pace, and I cannot think of one military leader I have known in the 21 years I have served on the House Armed Services and the Senate Armed Services Committees who is a greater American than Peter Pace. Let me just pay this tribute to him today as one great marine and one great American.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 1623 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. INHOFE. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Madam President, today we are considering the Energy bill. When you talk about energy policy, you think about—you almost can't separate it from trade policy, from manufacturing policy, from what is happening to American jobs and American industry. American manufacturing has been a bedrock of our country's strength and prosperity for much of this country's existence, certainly for the last century and a half. Our current trade policy has caused our Nation to hemorrhage manufacturing jobs and devastated communities in my home State of Ohio and across the Nation. Last week, Senator STABENOW and others participated in a manufacturing summit with leaders from Government and industry, trying to figure out how we remain competitive, how we shape trade and tax policies to help, not hurt, our small companies or medium-size manufacturers.

I live in a state, from Steubenville to Toledo, from Ashtabula to Dayton, where job loss has way too often been the order of the day—manufacturing jobs lost, often jobs going to Mexico when plants close, often jobs outsourced to China—so often devastating communities. When a plant shuts down in Lima or Mansfield or Zanesville or Marion, that is not just a loss to those workers or to those families, but it is layoffs of firefighters and police officers; it is fewer schoolteachers to teach children in those communities where parents may have lost their jobs. It is pretty clear as a Nation we need to fight back.

When I look at what this Energy bill can be about and the leadership of Senator BINGAMAN and what he is doing with this energy legislation, I think about Oberlin College. Oberlin College, a school in northern Colorado, is the site of the largest building on any campus in America that is fully powered by solar energy. Yet the solar panels in Oberlin College to power this solar building, this building on Oberlin's

campus, were all purchased in Japan and Germany because we don't make enough of them in this country.

The same can be said for wind turbines. As we have begun to construct wind turbine fields around the country, looking at places such as Lake Erie and the Great Plains and other places, we know that most of the components for these wind turbines are built abroad. That is something where a manufacturing policy and an energy policy come together.

At the same time, we have seen across the hall, in the House of Representatives, a move afoot with the Bush administration to pass two more trade deals, a trade agreement with Panama and a trade agreement with Peru. The trade policy in this country—you have to wonder how many more trade deals are we going to pass before the powers that be in the White House understand our trade policy has failed? Fourteen or fifteen years ago, when I ran for Congress, we had a trade deficit in this country of $38 billion. Today that trade deficit exceeds $700 billion. It is a growth of almost 20 times.

To understand in some sense what a $38 billion trade deficit that a decade and a half later is a $700-plus billion trade deficit means, think about it in these terms. The first President Bush said a billion dollar trade deficit translates into 13,000 lost jobs. Do the math and you can see why we have had the devastation across particularly the industrial Midwest, but also every State in this country has lost significant manufacturing jobs. Five million manufacturing jobs have been lost during the Bush administration, hundreds of thousands of those in Ohio, in places such as Bryan and places such as Portsmouth, in places such as Xenia and Springfield.

The President said he is willing to sign now a trade agreement with Peru and Panama, with labor and environmental standards in those trade agreements. That was the announcement the President recently made, the U.S. Trade Representative recently made. But go back and look. We have a history with this administration of not doing what they promised in trade agreements. Go back to an administration before, the North American Free Trade Agreement. They passed labor/environmental standards as a side agreement in those trade agreements, something probably they plan to do with Peru and Panama. Those side agreements for labor and environmental standards in the end meant absolutely nothing.

Then go back to the year 2000, where both Houses of Congress passed—I supported it—the trade agreement with Jordan. That trade agreement had strong labor and environmental standards. But one of the first things President Bush's Trade Representative did—back then it was Robert Zoellick—was to send a letter with the Jordanians regarding dispute resolution, saying they would not enforce, telling the Jordanian Government they were not going to make them enforce their labor and environmental standards.

What happened, you got a good trade agreement with strong labor and environmental standards with Jordan. When you don't enforce those standards, you end up with Jordan being a sweatshop and an export platform, with mostly Bangladeshi workers imported into Jordan, making textiles and apparel, mostly apparel, sewing clothes, as a sweatshop that simply violated all we say we stand for with American values and all we said we stood for in this trade agreement.

The point is, before we pass trade agreements, we need labor and environmental standards at the core of the agreement; we need commitment from the administration that they will, in fact, unlike in the past, enforce these labor and environmental standards; and we need benchmarks—as Senator DORGAN has said many times, benchmarks that allow us to gauge whether these trade agreements serve our national interest. We pass a trade agreement, and we then begin to measure its success. Does it mean more jobs or fewer jobs for American workers? Does it mean a trade increase in the trade deficit or does it mean a shrinking of the trade deficit? Does it mean an increase in income or does it mean stagnant incomes, as we have seen for so many American workers?

We know profits are up. We know salaries are up for top management. But we also know wages for most American workers—especially manufacturing workers but most American workers—have been flat. This was brought home to me at Senator STABENOW's manufacturing summit a week or so ago when John Colm, a businessman from Cleveland, handed me a stack of auction notices about this high. There were 47 of them he had received since December 2006. These were auction notices from small companies which were selling off their assets in machinery, which were cannibalizing their plants, selling off at rock-bottom prices because they can't compete with cheap imports and can't compete because of this unlevel playing field because of trade agreements and because of tax law in this country that is simply so uneven.

That is why, before we consider trade promotion authority, before we consider the Peru or Panama trade agreements, before we consider Colombia or South Korea trade agreements, we have to ask ourselves the question: Are these trade agreements fair to American workers? Will they help our communities? Will they help us strengthen the middle class or will these trade agreements continue to contribute to an exploding trade deficit, to lost jobs, to devastating communities all over my State of Ohio and all over the country? That is the fundamental question on trade policy—what does it do to strengthen the middle class? If it fails that test, these trade agreements should fail in the Senate.

We will hear more in the upcoming months about these trade agreements and about U.S. trade policy and how we cannot just oppose bad trade agreements but bring forward trade agreements with benchmarks that help American workers and help to strengthen the middle class.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. BROWN.) The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1557

Ms. KLOBUCHAR. Mr. President, I am here to make some brief comments about amendment No. 1557, which was introduced today. I spoke about this earlier, but it had not yet been accepted and introduced.

I appreciate that Senator SNOWE, one of the coauthors on this amendment, also spoke. I wish to thank the other authors of this amendment. That would be Senator BINGAMAN, who is managing this Energy bill, as well as Senators CARPER, COLEMAN, KERRY, and BOXER.

This amendment is a very important one. It establishes a national greenhouse gas registry that will gather and consolidate consistent, transparent, and reliable data on greenhouse gas emissions.

Now, it may not be the most exiting amendment that is being introduced today or this week, but it is a very important one. The reason we need this amendment is we actually do not have mandatory reporting right now for greenhouse gas emissions. I think that is surprising for people. If you were to ask what are some of the largest emitters of greenhouse gasses, you would not be able to easily find that information. Recently, a reporter for National Public Radio tried to find out that answer. She was unable to do it.

Although most electric powerplants already report their carbon dioxide emissions to the EPA, this only represents 37 percent of total U.S. greenhouse gas emissions that are reported. As for the remaining greenhouse gas emissions data, the Department of Energy and the EPA collect data on energy production and consumption; however, the quantity and the quality of this data collected vary significantly across different fuels and different sectors. For example, data on crude oil and petroleum products is collected weekly from selected oil companies, while data on the industrial sector is collected only once every 3 years through surveys. In some cases, Federal agencies collect the data themselves, while in other cases data is collected through voluntary reports. This

inconsistency in approaches has resulted in a lack of comparability of reported emissions from company to company within specific economic sectors, as well as the lack of comparability of results from reporting program to reporting program.

Many people have called for a national registry. Currently, as you know, 31 States have asked for some type of registry. They have actually joined together and tried to create their own national registry because of inaction by the Federal Government. I cannot think of a better example when you have 31 States banding together when, in fact, they would prefer a national registry with the EPA. That is why these States are interested in a national registry.

We also have some significant businesses which would like to see a registry such as this. They have come together as part of the U.S. Climate Action Partnership. They have urged Congress to fast-track a greenhouse gas inventory and registry. They actually did this back in January of this year. We still see no action. These are companies such as Boston Scientific, BP America, Caterpillar, Deere and Company, Dow Chemical, Duke Energy, DuPont. It is time to act.

Justice Brandeis once talked about how the States were the laboratories of democracy and how one courageous State can go ahead and do things and experiment and set an example for the Nation. Well, that is happening right now across this country. He never meant, however, for the Federal Government to be complacent.

This is a simple piece of legislation with bipartisan support. It is time to act. This is the bill to do it. We can get the accurate data. It does not dictate the policy with greenhouse gas emissions. We will have as many policy choices as we do now; the difference is we will get this national greenhouse gas registry in place, not for small business, as there is an exemption, but for our largest emitters of greenhouse gases so that we can have accurate information with which to proceed.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENTS NOS. 1566 AND 1578

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the time until 5:20 today be for debate with respect to the Warner amendment, No. 1566, and the Menendez amendment, No. 1578, with the time to run concurrently and be equally divided and controlled between Senators WARNER and MENENDEZ or their designees; that the Menendez amendment be modified to be a first-degree amendment; that no amendment be in order to either amendment prior to the vote; that each amendment must receive 60 affirmative votes to be agreed to; and that if each amendment fails to receive 60 affirmative votes, it will be withdrawn; provided further that the first vote occur with respect to the Warner amendment; that if the Warner amendment does not receive 60 votes, then the Menendez amendment, as modified, be withdrawn; that at 5:20 today, the Senate proceed to vote in relation to the Warner amendment without further intervening action or debate; provided further that Senator LAUTENBERG control up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment No. 1578), as modified, is as follows:

At the appropriate place, insert the following:

SEC. ____. AVAILABILITY OF CERTAIN AREAS FOR LEASING.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

''(q) AVAILABILITY OF CERTAIN AREAS FOR LEASING.—

''(1) DEFINITIONS.—In this subsection:

''(A) ATLANTIC COASTAL STATE.—The term 'Atlantic Coastal State' means each of the States of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Delaware, New York, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida

''(B) GOVERNOR.—The term 'Governor' means the Governor of the State.

''(C) QUALIFIED REVENUES.—The term 'qualified revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act for natural gas exploration and extraction activities authorized by the Secretary under this subsection.

''(D) STATE.—The term 'State' means the State of Virginia.

''(2) PETITION.—

''(A) IN GENERAL.—The Governor may submit to the Secretary—

''(i) a petition requesting that the Secretary issue leases authorizing the conduct of natural gas exploration activities only to ascertain the presence or absence of a natural gas reserve in any area that is at least 50 miles beyond the coastal zone of the State; and

''(ii) if a petition for exploration by the State described in clause (i) has been approved in accordance with paragraph (3) and the geological finding of the exploration justifies extraction, a second petition requesting that the Secretary issue leases authorizing the conduct of natural gas extraction activities in any area that is at least 50 miles beyond the coastal zone of the State.

''(B) CONTENTS.—In any petition under subparagraph (A), the Governor shall include a detailed plan of the proposed exploration and subsequent extraction activities, as applicable.

''(3) ACTION BY SECRETARY.—

''(A) IN GENERAL.—As soon as practicable after the date of receipt of a petition under paragraph (2), the Secretary shall approve or deny the petition.

''(B) REQUIREMENTS FOR EXPLORATION.—The Secretary shall not approve a petition submitted under paragraph (2)(A)(i) unless the State legislature has enacted legislation supporting exploration for natural gas in the coastal zone of the State.

''(C) REQUIREMENTS FOR EXTRACTION.—The Secretary shall not approve a petition submitted under paragraph (2)(A)(ii) unless the State legislature has enacted legislation supporting extraction for natural gas in the coastal zone of the State.

''(D) CONSISTENCY WITH LEGISLATION.—The plan provided in the petition under paragraph (2)(B) shall be consistent with the legislation described in subparagraph (B) or (C), as applicable.

(E) COMMENTS AND APPROVAL FROM OTHER STATES.—

''(i) IN GENERAL.—On receipt of a petition under paragraph (2), the Secretary shall provide Atlantic Coastal States with an opportunity to provide to the Secretary comments on the petition.

''(ii) REQUIREMENT.—The Secretary shall not approve a petition under this paragraph unless the Governors of all States within 100 miles of the coastal waters of the State have approved the petition.

''(4) DISPOSITION OF REVENUES.—Notwithstanding section 9, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

''(A) 50 percent of qualified revenues in the general fund of the Treasury; and

''(B) 50 percent of qualified revenues in a special account in the Treasury from which the Secretary shall disburse—

''(i) 75 percent to the State;

''(ii) 12.5 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460l–5); and

''(iii) 12.5 percent to a reserve fund to be used to mitigate for any environmental damage that occurs as a result of extraction activities authorized under this subsection, regardless of whether the damage is—

''(I) reasonably foreseeable; or

''(II) caused by negligence, natural disasters, or other acts.''.

SEC. ___

No extraction or exploration under this provision shall be accepted by the Secretary of the Interior if the Secretary of Defense determines that such a plan is inconsistent with critical military test or training activities off the Virginia coast.

The PRESIDING OFFICER. Who yields time? The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I would like to speak on behalf of my amendment, which presumably will be voted on here in a matter of minutes.

I accept the 60 votes because what I want to do is to have a record of just where the sentiments are among my esteemed colleagues with regard to what I view as an advancement in technology and a worsening of the situation with regard to our energy supply and why these two forces cannot converge in such a manner as to enable a Member of the Senate to acknowledge that a State has a right to utilize those resources on the Continental Shelf off of its shore. It just concerns me greatly. I mean, natural gas is up—a 78 percent increase in price since the year 2000.

My good friend and chairman of the Environment and Public Works Committee got up in her usual eloquent way to explain why she was very much opposed to my amendment. So I went back and did a little homework and determined that California is the second largest consumer of natural gas in the Nation. So I say to my colleague: Where is it going to come from? Where is it going to come from?

Florida. My good friend got up and raised a technical amendment, which momentarily knocked me off stride, but I went back and found documents

which clarify the situation that the Department of Defense will work with the Department of the Interior, and in no way should a petition be filed by the Governor of Virginia for a drilling permit to explore and determine the presence or absence of natural gas off our coast, in no way will that interfere with national security. And that letter is in the record. But he is very much against that. It is interesting; Florida consumes 2½ times the amount of natural gas that Virginia consumes, and New Jersey—my good friend who opposed me on this—consumes twice the amount of natural gas that the State of Virginia consumes.

My State is simply trying to manifest the courage, and thus far two successive Governors have broken ground on this, both of them distinguished members of the Democratic Party. And the State legislatures—coincidentally under the control of Republicans—have indicated Virginia's willingness to look in the direction of drilling offshore.

Our State, I believe, is on the verge of stepping up to accept the responsibility to help this Nation meet its needs to begin to prepare to ward off this energy crisis which is rapidly coming our way.

I thank Virginians. I would hope that given the right of States to make choices for themselves, my colleagues would see fit to recognize the problem of the shortage of energy and the need for States such as ours to step up and help.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, do I have any time constraints?

The PRESIDING OFFICER. Under the previous order, the remaining time is under the control of the Senator from New Jersey.

Mr. DOMENICI. How do I speak if I don't have any time?

I ask unanimous consent to be granted permission to speak for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Reserving the right to object, if there would be equal time, 10 minutes on each side, I would not object.

Mr. DOMENICI. I am speaking on my own. I am not the proponent. Do you think it is fair that just for my speaking you must speak? If you do, I will have no objection.

The PRESIDING OFFICER. There is a unanimous consent request that there be a vote held at 5:20.

Mr. DOMENICI. I ask unanimous consent that he then have that time. I will take 5 minutes.

Mr. MENENDEZ. Mr. President, am I to assume the unanimous consent request is for 5 minutes additional for each side?

The PRESIDING OFFICER. Is there objection to the unanimous consent request, as modified?

Mr. DOMENICI. That is fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, I say to my good friend, the Senator from Virginia, I sense what is going on here today would indicate you will have a hard time with this amendment and maybe you won't win. But I guarantee you it will not be long before what you espouse here happens. You will once again, as in so many other things, be ahead of the politicians. You will be two steps ahead of those who do things for political reasons around here instead of the many times you have come forth and put your Senate privileges on the line by doing what is right. Your State must be elated with the idea—if they aren't now, they will be—that they will have the option of letting drilling occur 50 miles off the coast. They won't see the drilling unless they have binoculars. So for those who say they are going to see one of these beautiful wells with all of the equipment, they better have binoculars to see it. For those who are worried about a spill, they will have to be grandmas and grandpas and even older than that before they see one, because even with the big earthquakes and the big things that happened in Louisiana, they didn't even get a spill. How are you going to get a spill if you can't get one out of that thing?

So here you come and you say, with natural gas at $7, feeding all the industries in America—and it does; natural gas feeds the underlying businesses that produce in America—they are all telling us the one thing that is forcing us to do what, to leave America, can you imagine, to be forced to go to another country? It used to be this or that, now it is: We can't afford natural gas. It is so cheap somewhere else, and we have it in abundance on our own property. Offshore is America's property. Here you come with a very innocuous proposal to let the State decide. Then if they say, OK, they, too, have said they are not afraid, then they are going to share in the royalties just like Louisiana and Mississippi. But guess what. The United States is going to share in not only the royalties, they are going to get natural gas for users in America who are desperate. The price used to be $1 and $2. You haven't seen that, and you won't see it. It is $7 for the unit we use. How could some company that uses that for its base industries survive?

If you are in the business of ethanol and running around here bragging about ethanol, let me remind you, the second biggest cost item for turning corn to ethanol, the second biggest cost product is natural gas. Then comes corn. Corn is first and then it. Can you imagine? It itself is making gasoline more expensive, not only natural gas, because we are making gasoline out of corn. Then we are spending a huge amount for the natural gas that goes into heating it, burning it and all the other things, and we can't even get an amendment adopted here today. I hope I am wrong. It used to be the States that didn't want us to. Now we have somebody else objecting. What is it, other States? We are going to have to go around with a cop and ask the States all around us.

I would hope we would pass the Warner amendment here today. This bill, which has nothing in it to produce anything, would at least turn a little bit toward production. You could put up a flag and say: We have an energy bill, and JOHN WARNER's amendment is the first one that produced any energy of any significance. We would all be glad to see that happen. We hope we have some other amendments that produce before we are finished.

Mr. NELSON of Florida. Mr. President, I understand my colleague, the distinguished Senator from Virginia, has submitted additional correspondence from the Department of Defense and I would like the opportunity to comment on this letter. The Department of Defense routinely provides generic comments, as requested by the Minerals Management Service, on the various steps leading to a Draft Proposed Five-Year OCS Leasing Program, and my friend, Senator WARNER, has apparently quoted, in part, from such a generic comment letter from Donald R. Schregardus, Deputy Assistant Secretary, Environment, of the Department of the Navy.

With all due respect to my colleague Senator WARNER, this letter only provides vague reassurances about the hopeful intent of the Department of the Navy to be able to work out, sometime in the future, remaining military space-use conflicts with proposed MMS OCS leasing activities in various areas.

In Florida, working out such space-use conflicts with military exercise and training areas took several years, and in the end required congressional action, which we completed only last December in this Chamber.

Further, the same letter from the Department of the Navy recently quoted by my colleague Senator WARNER goes on to say, and I quote directly from the letter:

> However, the special interest sale proposed for the Mid-Atlantic Region in late 2011 is not acceptable to the Department because of its incompatibility with the military training and testing conducted in this area.

While the Navy's letter goes on to conclude on a conciliatory note, hoping that things can be worked out in the future, such negotiations, as we have experienced in Florida for years, take time, effort, and often, a very long period of time.

We do not think that going forward with my friend Mr. WARNER's amendment at this time, in spite of the continuing clear concerns expressed by the Department of the Navy, is a wise idea at this time.

I yield the floor.

Mr. WARNER. Mr. President, may I thank my colleague for his very thoughtful remarks.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I ask if I may use 1 minute of the time of the Senator from New Jersey.

Mr. MENENDEZ. I am happy to yield to the distinguished Senator from New Mexico.

Mr. BINGAMAN. Let me speak very briefly to oppose the amendment by my friend and colleague from Virginia. In my view there are two reasons why we do not have drilling off the coast of Virginia. No. 1 is that the President, by executive order, has put a moratorium on any drilling off the coast of Virginia or the mid-Atlantic. Second, every year when we pass the Interior appropriations bill, we include in it boilerplate language. We have done it for a couple decades now. It says: No funds provided in this title may be expended by the Department of Interior to conduct oil and natural gas preleasing, leasing, or related activities in the middle Atlantic and south Atlantic planning areas.

If the Senator from Virginia wants to see drilling off the coast of Virginia, he should change this provision when we get to the Interior appropriations bill in 3 or 4 weeks. That is the place to get that changed. If that is not changed, I would say even if the Senator's amendment today were enacted, it would have no force and effect, because no funds could be spent to carry it out. In my view, it should be changed in that respect.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 6 minutes 40 seconds.

Mr. MENENDEZ. I yield to the senior Senator from New Jersey 5 minutes and reserve the remainder of the time.

The PRESIDING OFFICER. The senior Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I thank my friend and colleague from New Jersey.

I rise in opposition to the amendment offered by the Senator from Virginia. It is not often I disagree with the Senator from Virginia. I think this is the wrong course. To allow exploration and potential drilling off the coast of Virginia? We are from a State with a coastline that we cherish and must protect with all of our energy. Imagine the devastation an oil or a natural gas spill off the coast of Virginia would cause. New Jersey is only 75 miles from the proposed drilling sites off the coast of Virginia. An oil spill can travel hundreds of miles. For instance, when the Exxon Valdez dumped 11 million gallons of oil in Alaska, the oil traveled 470 miles. I was there within 3 days. It had already traveled hundreds of miles in Alaska. An oil spill from any offshore site off Virginia's coast could easily devastate the shoreline of our State and States up and down the Eastern Seaboard. It could poison the Atlantic and marine life that has made the ocean their home. It would damage our economy enormously. Our coastline accounts for approximately $50 billion a year in tourism every year and supports almost 500,000 jobs.

The Warner amendment calls for offshore exploration and drilling for natural gas. According to the Department of Interior, natural gas is seldom found as a solitary product. Oil is almost always found in those locations. So not only can natural gas have environmental problems, but drilling for natural gas can easily result in puncturing oil deposits and causing major spills.

According to the Department of Interior, approximately 3 million gallons of oil were spilled as a result of offshore drilling between 1980 and 1999. Each of these spills averaged more than 40,000 gallons. The Warner amendment will increase the likelihood of a spill ravaging our beaches. We won't allow New Jersey's coastline and our marine life to be placed at such a risk.

It is not just me who is urging my colleagues to vote against this. The Governors from New Jersey, Delaware, Connecticut, and Maine have written letters to Congress urging this body to act responsibly and not allow drilling off our coasts. The energy we might be able to get there pales in comparison to the damage we could do to our coastlines in a very short time.

Reluctantly, I say to my friend from Virginia, I oppose the amendment. I encourage my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I hope all States within the Outer Continental Shelf understand the passage of the Warner amendment begins the undoing of the moratorium. For if one State is able to do this, the domino effect that could undo the whole basis of the moratorium that has existed for a quarter of a century will begin to be undone.

Secondly, this is not simply about Virginia's waters. These are Federal waters. This is the Federal Outer Continental Shelf. It is a national context in which we look at it. That is why we have a national moratorium.

Thirdly, even the Senator from Virginia recognizes that damage to other States can take place, because he creates a fund in his amendment to mitigate damages that may take place as a result of such drilling. I don't want my State or any other coastal State to have to deal with damages and to mitigate damages. I want to prevent those damages.

Fourthly, anyone who believes we are going to drill for gas and then maybe find oil and plug it up and not pursue the oil is living under a different set of illusions. That is the reality.

Lastly, I ask unanimous consent to have printed in the RECORD the April 10, 2006 letter from the Department of Defense to the Department of the Interior opposing such efforts for drilling off of Virginia.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY, THE ASSISTANT SECRETARY OF THE NAVY
Washington, DC, April 10, 2006.

Ms. R. M. ''JOHNNIE'' BURTON,
Director, Minerals Management Service, Department of the Interior, Washington, DC.

DEAR MS. BURTON: This is in reply to your letter to Secretary Rumsfeld requesting comments on the Department of the Interior's Draft Proposed 5-Year Outer Continental Shelf, OCS, Oil and Gas Leasing Program for 2007–2012. I am responding as the Defense Department's Executive Agent for OCS matters.

The Department of Defense has reviewed the draft proposed program and the seven OCS planning areas proposed for leasing. Based on our review, we foresee no OCS-use conflicts within the lease sale areas proposed for the Alaska Planning Areas, and only minimal conflicts with the proposed lease sale areas within the Gulf of Mexico Planning Areas. We have considerable concern, however, with the proposed lease sale areas within the Mid-Atlantic Planning Area off the coast of Virginia,

Notwithstanding the above, the eastern Gulf of Mexico remains an area of importance to the Department of Defense because of the critical military test and training activities the Department conducts there. These activities, which are intensifying, require large, cleared safety footprints free of any structures on or near the water surface. Because the majority of the new Gulf of Mexico proposed sale area is west of the Military Mission Line, MML, 86° 41′W longitude, the new proposed program should not present unmanageable effects on military test and training. A small area in the southeasternmost portion of the Central Gulf Planning Area crosses the MML, an area that the Secretary of Defense has stated is incompatible with drilling structures and associated development because of the diversity of military testing and training activities conducted there now, and those planned for the future. We therefore request this area be removed from the program. Also, stipulations mirroring those contained in current leases held by the oil/gas lessees will need to be included for new program areas that overlap our Gulf Range Water Test Areas. An example copy of the current stipulations is enclosed.

The draft program option of greatest concern to the Department of Defense involves the special interest sale proposed for the Mid-Atlantic off the coast of Virginia. The proposed area lies within the Virginia Capes, VACAPES, Operations Areas where the Navy's training and test and evaluation community conducts significant activity.

This is the Navy's primary area for weapons separation testing, conducting supersonic flight profiles, and performing target launches in support of acquisition programs and ship qualification testing. It is the designated area, both for test and evaluation and for training missile launches, that requires cleared sea space as an impact area. It is also the Navy's primary area for conducting autonomous underwater vehicle testing from submarines. The VACAPES undersea, surface, and air space areas are critical to the development, fielding and certification of naval weapon systems; as a consequence, the Navy requires unencumbered access to the full expanse of this operations area. The Navy, Army, Air Force, and Marine Corps all use the VACAPES Operations Areas. Training operations that occur in the proposed oil and gas use area include aircraft carrier operations, amphibious vehicles operations, gunnery training, and F/A–18, F–15, F–16 and F–22 guns firings. Any structures built in the water where these types of activities are conducted, particularly low-level gunnery practice and missile separation testing, would restrict where military air wings

can fire their weapons, drive aircraft further away from the coast, increase fuel costs and wear and tear on the airframes, increase flight times enroute to training areas, and increase the risk to aircrews due to the increased distance from emergency recovery bases. Because hazards in this area to operating crews and oil company equipment and structures would be so great, the Department opposes oil and gas development activity in this OCS planning location.

The Navy has compiled an exhaustive and detailed assessment of the type, frequency, and sponsor of activities conducted in the VACAPES Operations Areas. This includes both current and future test activity and training. We are prepared to share this data, should it be necessary, with members of your staff that have appropriate clearances. We have attached for your immediate reference a map of the VACAPES test, evaluation, and training complex and a brief synopsis of the important military activities conducted there.

We support the promotion and production of offshore oil and gas exploration that is critical to our country's energy and national security and look forward to working with you and your staff in the period ahead to ensure success in this area.

DONALD R. SCHREGARDUS,
By direction.

Mr. MENENDEZ. I believe on all of these scores, this is not pursuing the renewable energy sources the underlying bill is all about. This undermines the moratorium on the Outer Continental Shelf. This puts at risk other States. This is not about Virginia alone. This is about the entire Federal Outer Continental Shelf. Other States have interests when one shore can ultimately create consequences on the rest of that coastline. Also the Department of Defense takes the position that it is in opposition. For all of those reasons, it is fitting and appropriate that we oppose the Warner amendment.

I yield the floor.

Mr. WARNER. Mr. President, I ask unanimous consent that a letter which superceded the letter to which the Senator from New Jersey referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY, OFFICE OF THE ASSISTANT SECRETARY (INSTALLATIONS AND ENVIRONMENT),
Washington, DC, November 27, 2006.

Ms. R.M. ''JOHNNIE'' BURTON,
Director, Minerals Management Service, Department of the Interior, Washington, DC.

DEAR MS. BURTON: This responds to your letter to Secretary Rumsfeld requesting comments on the Department of the Interior's Proposed Program for Outer Continental Shelf Oil and Gas Leasing for 2007–2012 and accompanying Draft Environmental Impact Statement. I am responding for the Secretary in my capacity as the Defense Department's Executive Agent for Outer Continental Shelf matters.

The proposed program is very similar to the draft proposed program that we commented on in our letter to you of April 10, 2006. For the Gulf of Mexico Planning Region, we concur with the proposed program change that excludes from leasing the area east of the military mission line at 86° 41′ W longitude. As for the Alaska Planning Region, the Department is neither affected by nor objects to the proposed area reductions in the North Aleutian Basin and Chukchi Sea. Lastly, the Department supports the Mid-Atlantic Region proposed program changes that exclude the area within 25 miles of the coastline of Virginia and provide a no-obstruction zone from the mouth of the Chesapeake Bay as depicted in Map 9 of the published proposed program. However, the special interest sale proposed for the Mid-Atlantic Region in late 2011 is not acceptable to the Department because of its incompatibility with the military training and testing conducted in this area. Notwithstanding the above, the Department is willing to discuss with you possible alternatives that may provide opportunities for exploration and potential joint use of the Mid-Atlantic area consistent with the critical military test and training activities in this area.

Our departments have worked closely together over the years to ensure a continuing successful leasing program with a manageable impact on defense operations. We agree that oil and gas development on the Outer Continental Shelf must strike a balance between our nation's energy and national security goals. As the Administration moves forward on a plan to best meet the Nation's oil and gas energy needs for 2007 to 2012, we look forward to working with you to ensure its success.

DONALD R. SCHREGARDUS,
Deputy Assistant Secretary (Environment).

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, the question is on agreeing to amendment No. 1566, as modified, offered by the senior Senator from Virginia, Mr. WARNER.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Michigan (Mr. LEVIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Minnesota (Mr. COLEMAN), the Senator from Nevada (Mr. ENSIGN), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. ROBERTS), and the Senator from Alabama (Mr. SESSIONS).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) and the Senator from Alabama (Mr. SESSIONS) would have voted ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 44, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—43

Alexander	Brownback	Chambliss
Allard	Bunning	Cochran
Bennett	Burr	Corker
Bond	Carper	Cornyn
Craig	Inhofe	Shelby
Crapo	Isakson	Specter
DeMint	Kyl	Stevens
Domenici	Landrieu	Sununu
Enzi	Lincoln	Thune
Graham	Lott	Vitter
Grassley	Lugar	Voinovich
Gregg	McConnell	Warner
Hagel	Murkowski	Webb
Hatch	Nelson (NE)	
Hutchison	Pryor	

NAYS—44

Akaka	Durbin	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Harkin	Reed
Biden	Inouye	Reid
Bingaman	Kennedy	Rockefeller
Boxer	Kerry	Salazar
Brown	Klobuchar	Sanders
Byrd	Kohl	Schumer
Cantwell	Lautenberg	Smith
Cardin	Leahy	Snowe
Casey	Lieberman	Stabenow
Collins	Martinez	Tester
Conrad	McCaskill	Whitehouse
Dole	Menendez	Wyden
Dorgan	Mikulski	

NOT VOTING—12

Clinton	Ensign	McCain
Coburn	Feinstein	Obama
Coleman	Johnson	Roberts
Dodd	Levin	Sessions

The amendment (No. 1566), as modified, was rejected.

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment (No. 1566), as modified, is withdrawn.

Under the previous order, amendment (No. 1578), as modified, is withdrawn.

The PRESIDING OFFICER. The junior Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, my colleague from New Mexico wishes to make a statement for some of his colleagues before they leave.

The PRESIDING OFFICER. The senior Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, a number of Republican Senators have indicated they are preparing amendments they want to get into this bill. I just want to remind my colleagues that it doesn't seem like it, but time has really been flying. We will be lucky if we are on this bill until Wednesday of next week, and when we come back on Monday, there are no votes. So if you have amendments, you had better get them ready and get them in, or we probably will not have them considered. You tell me about great things when we stand around here and talk, but I don't have your amendments, so it would be good if you have them. I assume Senator BINGAMAN has a similar request, maybe not.

The PRESIDING OFFICER. The junior Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I underscore the point that my colleague has made. If Senators do have amendments they want to have seriously considered, they need to get them to us. We will be trying to consider or at least organize amendments tomorrow. We are not having rollcall votes, I have

been informed by the majority leader, either tomorrow or Monday, but we are going to try to process any amendments we can get agreements to move ahead with. We urge Senators to get those amendments to us and get those amendments filed.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

(The remarks of Mr. BYRD are printed in today's RECORD under ''Morning Business.'')

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1572, AS MODIFIED

Mr. BINGAMAN. Mr. President, one amendment that was offered today by Senator SALAZAR on behalf of himself, Senator BAYH, Senator CANTWELL, Senator LINCOLN, Senator CLINTON, Senator BROWNBACK, Senator LIEBERMAN, Senator COLEMAN, Senator BIDEN is an amendment related to plug-in hybrids. It is amendment No. 1572, as modified. We have now cleared this with all interested parties on both sides of the aisle. It is my information that it is ready for a vote. I will send the modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 119, line 1, strike ''transportation technology'' and insert ''vehicles''.

On page 121, line 4, after ''equipment'' insert ''and developing new manufacturing processes and material suppliers''.

On page 126, strike lines 9 and 10 and insert the following:

(iii) electrode-active materials, including electrolytes and bioelectrolytes;

On page 126, strike lines 12 and 13 and insert the following:

(v) modeling and simulation; and

(vi) thermal behavior and life degradation mechanisms.

On page 130, strike lines 5 through line 13 and insert the following:

(1) DEFINITIONS.—In this subsection:

(A) BATTERY.—The term ''battery'' means an electrochemical energy storage device powered directly by electrical current.

(B) PLUG-IN ELECTRIC DRIVE VEHICLE.—The term ''plug-in electric drive vehicle'' means a precommercial vehicle that

(i) draws motive power from a battery with a capacity of at least 4 kilo-watt hours;

(ii) can be recharged from an external source of electricity for motive power; and

(iii) is a light-, medium, or heavy duty onroad or nonroad vehicle.

On page 130, line 16, insert ''plug-in'' before ''electric''.

On page 130, strike lines 17 through 21 and insert the following:

(3) ELIGIBILITY.—

(A) IN GENERAL.—A State government, local government, metropolitan transportation authority, air pollution control district, private entity, and nonprofit entity shall be eligible to receive a grant under this subsection.

(B) CERTAIN APPLICANTS.—A battery manufacturer that proposes to supply to an applicant for a grant under this section a battery with a capacity of greater than 1 kilowatt-hour for use in a plug-in electric drive vehicle shall—

(i) ensure that the applicant includes in the application a description of the price of the battery per kilowatt hour;

(ii) on approval by the Secretary of the application, publish, or permit the Secretary to publish, the price described in clause (i); and

(iii) for any order received by the battery manufacturer for at least 1,000 batteries, offer the batteries at that price.

On page 131, line 2, insert ''plug-in'' before ''electric''.

Beginning on page 132, strike line 1 and all that follows through page 133, line 9, and insert the following:

(b) NEAR-TERM ELECTRIC DRIVE TRANSPORTATION DEPLOYMENT PROGRAM.—

(1) DEFINITION OF QUALIFIED ELECTRIC TRANSPORTATION PROJECT.—

(A) IN GENERAL.—In this subsection, the term ''qualified electric transportation project'' means a project that would simultaneously reduce emissions of criteria pollutants, greenhouse gas emissions, and petroleum usage by at least 40 percent as compared to commercially available, petroleum-based technologies.

(B) INCLUSIONS.—In this subsection, the term ''qualified electric transportation project'' includes a project relating to—

(i) shipside or shoreside electrification for vessels;

(ii) truck-stop electrification;

(iii) electric truck refrigeration units;

(iv) battery powered auxiliary power units for trucks;

(v) electric airport ground support equipment;

(vi) electric material and cargo handling equipment;

(vii) electric or dual-mode electric freight rail;

(viii) any distribution upgrades needed to supply electricity to the project; and

(ix) any ancillary infrastructure, including panel upgrades, battery chargers, in-situ transformers, and trenching.

(2) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall establish a program to provide grants and loans to eligible entities for the conduct of qualified electric transportation projects.

(3) GRANTS.—

(A) IN GENERAL.—Of the amounts made available for grants under paragraph (2)—

(i) ⅔ shall be made available by the Secretary on a competitive basis for qualified electric transportation projects based on the overall cost-effectiveness of a qualified electric transportation project in reducing emissions of criteria pollutants, emissions of greenhouse gases, and petroleum usage; and

(ii) ⅓ shall be made available by the Secretary for qualified electric transportation projects in the order that the grant applications are received, if the qualified electric transportation projects meet the minimum standard for the reduction of emissions of criteria pollutants, emissions of greenhouse gases, and petroleum usage described in paragraph (1)(A).

(B) PRIORITY.—In providing grants under this paragraph, the Secretary shall give priority to large-scale projects and large-scale aggregators of projects.

(C) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a grant made under this paragraph.

(4) REVOLVING LOAN PROGRAM.—

(A) IN GENERAL.—The Secretary shall establish a revolving loan program to provide loans to eligible entities for the conduct of qualified electric transportation projects under paragraph (2).

(B) CRITERIA.—The Secretary shall establish criteria for the provision of loans under this paragraph.

(C) FUNDING.—Of amounts made available to carry out this subsection, the Secretary shall use any amounts not used to provide grants under paragraph (3) to carry out the revolving loan program under this paragraph.

(c) MARKET ASSESSMENT PROGRAM.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary and private industry, shall carry out a program—

(1) to inventory and analyze existing electric drive transportation technologies and hybrid technologies and markets; and

(2) to identify and implement methods of removing barriers for existing and emerging applications of electric drive transportation technologies and hybrid transportation technologies.

(d) ELECTRICITY USAGE PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency and private industry, shall carry out a program—

(A) to work with utilities to develop low-cost, simple methods of—

(i) using off-peak electricity; or

(ii) managing on-peak electricity use;

(B) to develop systems and processes—

(i) to enable plug-in electric vehicles to enhance the availability of emergency back-up power for consumers;

(ii) to study and demonstrate the potential value to the electric grid to use the energy stored in the on-board storage systems to improve the efficiency and reliability of the grid generation system; and

(iii) to work with utilities and other interested stakeholders to study and demonstrate the implications of the introduction of plug-in electric vehicles and other types of electric transportation on the production of electricity from renewable resources.

(2) OFF-PEAK ELECTRICITY USAGE GRANTS.—In carrying out the program under paragraph (1), the Secretary shall provide grants to assist eligible public and private electric utilities for the conduct of programs or activities to encourage owners of electric drive transportation technologies—

(A) to use off-peak electricity; or

(B) to have the load managed by the utility.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsections (b), (c), and (d) $125,000,000 for each of fiscal years 2008 through 2013.

On page 133, between lines 9 and 10, insert the following:

(f) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGIES.—

(1) DEFINITIONS.—In this subsection:

(A) BATTERY.—The term ''battery'' means an electrochemical energy storage device powered directly by electrical current.

(B) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term ''electric drive transportation technology'' means—

(i) technology used in vehicles that use an electric motor for all or part of the motive power of the vehicles, including battery electric, hybrid electric, plug-in hybrid electric, fuel cell, and plug-in fuel cell vehicles, or rail transportation; or

(ii) equipment relating to transportation or mobile sources of air pollution that use an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including—

(I) corded electric equipment linked to transportation or mobile sources of air pollution; and

(II) electrification technologies at airports, ports, truck stops, and material-handling facilities.

(C) ENERGY STORAGE DEVICE.—

(i) IN GENERAL.—The term ''energy storage device'' means the onboard device used in an on-road or nonroad vehicle to store energy, or a battery, ultracapacitor, compressed air energy storage system, or flywheel used to store energy in a stationary application.

(ii) INCLUSIONS.—The term ''energy storage device'' includes—

(I) in the case of an electric or hybrid electric or fuel cell vehicle, a battery, ultracapacitor, or similar device; and

(II) in the case of a hybrid hydraulic vehicle, an accumulator or similar device.

(D) ENGINE DOMINANT HYBRID VEHICLE.—The term ''engine dominant hybrid vehicle'' means an on-road or nonroad vehicle that—

(i) is propelled by an internal combustion engine or heat engine using—

(I) any combustible fuel; and

(II) an on-board, rechargeable energy storage device; and

(ii) has no means of using an off-board source of energy.

(E) NONROAD VEHICLE.—The term ''nonroad vehicle'' means a vehicle—

(i) powered by—

(I) a nonroad engine, as that term is defined in section 216 of the Clean Air Act (42 U.S.C. 7550); or

(II) fully or partially by an electric motor powered by a fuel cell, a battery, or an off-board source of electricity; and

(ii) that is not a motor vehicle or a vehicle used solely for competition.

(F) PLUG-IN ELECTRIC DRIVE VEHICLE.—In this section, the term ''plug-in electric drive vehicle'' means a precommercial vehicle that—

(i) draws motive power from a battery with a capacity of at least 4 kilowatt-hours;

(ii) can be recharged from an external source of electricity for motive power; and

(iii) is a light-, medium-, or heavy-duty onroad or nonroad vehicle.

(2) EVALUATION OF PLUG-IN ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY BENEFITS.—

(A) IN GENERAL.—The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, the heads of other appropriate Federal agencies, and appropriate interested stakeholders, shall evaluate and, as appropriate, modify existing test protocols for fuel economy and emissions to ensure that any protocols for electric drive transportation technologies, including plug-in electric drive vehicles, accurately measure the fuel economy and emissions performance of the electric drive transportation technologies.

(B) REQUIREMENTS.—Test protocols (including any modifications to test protocols) for electric drive transportation technologies under subparagraph (A) shall—

(i) be designed to assess the full potential of benefits in terms of reduction of emissions of criteria pollutants, reduction of energy use, and petroleum reduction; and

(ii) consider—

(I) the vehicle and fuel as a system, not just an engine;

(II) nightly off-board charging, as applicable; and

(III) different engine-turn on speed control strategies.

(3) PLUG-IN ELECTRIC DRIVE VEHICLE RESEARCH AND DEVELOPMENT.—The Secretary shall conduct an applied research program for plug-in electric drive vehicle technology and engine dominant hybrid vehicle technology, including—

(A) high-capacity, high-efficiency energy storage devices that, as compared to existing technologies that are in commercial service, have improved life, energy storage capacity, and power delivery capacity;

(B) high-efficiency on-board and off-board charging components;

(C) high-power and energy-efficient drivetrain systems for passenger and commercial vehicles and for nonroad vehicles;

(D) development and integration of control systems and power trains for plug-in electric vehicles, plug-in hybrid fuel cell vehicles, and engine dominant hybrid vehicles, including—

(i) development of efficient cooling systems;

(ii) analysis and development of control systems that minimize the emissions profile in cases in which clean diesel engines are part of a plug-in hybrid drive system; and

(iii) development of different control systems that optimize for different goals, including—

(I) prolonging energy storage device life;

(II) reduction of petroleum consumption; and

(III) reduction of greenhouse gas emissions;

(E) application of nanomaterial technology to energy storage devices and fuel cell systems; and

(F) use of smart vehicle and grid interconnection devices and software that enable communications between the grid of the future and electric drive transportation technology vehicles.

(4) EDUCATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall develop a nationwide electric drive transportation technology education program under which the Secretary shall provide—

(i) teaching materials to secondary schools and high schools; and

(ii) assistance for programs relating to electric drive system and component engineering to institutions of higher education.

(B) ELECTRIC VEHICLE COMPETITION.—The program established under subparagraph (A) shall include a plug-in hybrid electric vehicle competition for institutions of higher education, which shall be known as the ''Dr. Andrew Frank Plug-In Electric Vehicle Competition''.

(C) ENGINEERS.—In carrying out the program established under subparagraph (A), the Secretary shall provide financial assistance to institutions of higher education to create new, or support existing, degree programs to ensure the availability of trained electrical and mechanical engineers with the skills necessary for the advancement of—

(i) plug-in electric drive vehicles; and

(ii) other forms of electric drive transportation technology vehicles.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2008 through 2013—

(A) to carry out paragraph (3) $200,000,000; and

(B) to carry out paragraph (4) $5,000,000.

(g) COLLABORATION AND MERIT REVIEW.—

(1) COLLABORATION WITH NATIONAL LABORATORIES.—To the maximum extent practicable, National Laboratories shall collaborate with the public, private, and academic sectors and with other National Laboratories in the design, conduct, and dissemination of the results of programs and activities authorized under this section.

(2) COLLABORATION WITH MOBILE ENERGY STORAGE PROGRAM.—To the maximum extent practicable, the Secretary shall seek to coordinate the stationary and mobile energy storage programs of the Department of the Energy with the programs and activities authorized under this section

(3) MERIT REVIEW.—Notwithstanding section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353), of the amounts made available to carry out this section, not more than 30 percent shall be provided to National Laboratories.

SEC. 246. INCLUSION OF ELECTRIC DRIVE IN ENERGY POLICY ACT OF 1992.

Section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended—

(1) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively;

(2) by inserting before subsection (b) the following:

''(a) DEFINITIONS.—In this section:

''(1) FUEL CELL ELECTRIC VEHICLE.—The term 'fuel cell electric vehicle' means an on-road or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Spark M. Matsunaga Hydrogen Act of 2005 (42 U.S.C. 16152)).

''(2) HYBRID ELECTRIC VEHICLE.—The term 'hybrid electric vehicle' means a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of the Internal Revenue Code of 1986).

''(3) MEDIUM- OR HEAVY-DUTY ELECTRIC VEHICLE.—The term 'medium- or heavy-duty electric vehicle' means an electric, hybrid electric, or plug-in hybrid electric vehicle with a gross vehicle weight of more than 8,501 pounds.

''(4) NEIGHBORHOOD ELECTRIC VEHICLE.—The term 'neighborhood electric vehicle' means a 4-wheeled on-road or nonroad vehicle that—

''(A) has a top attainable speed in 1 mile of more than 20 mph and not more than 25 mph on a paved level surface; and

''(B) is propelled by an electric motor and on-board, rechargeable energy storage system that is rechargeable using an off-board source of electricity.

''(5) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term 'plug-in hybrid electric vehicle' means a light-duty, medium-duty, or heavy-duty on-road or nonroad vehicle that is propelled by any combination of—

''(A) an electric motor and on-board, rechargeable energy storage system capable of operating the vehicle in intermittent or continuous all-electric mode and which is rechargeable using an off-board source of electricity; and

''(B) an internal combustion engine or heat engine using any combustible fuel.'';

(3) in subsection (b) (as redesignated by paragraph (1))—

(A) by striking ''The Secretary'' and inserting the following:

''(1) ALLOCATION.—The Secretary''; and

(B) by adding at the end the following:

''(2) ELECTRIC VEHICLES.—Not later than January 31, 2009, the Secretary shall—

''(A) allocate credit in an amount to be determined by the Secretary for—

''(i) acquisition of—

''(I) a hybrid electric vehicle;

''(II) a plug-in hybrid electric vehicle;

''(III) a fuel cell electric vehicle;

''(IV) a neighborhood electric vehicle; or

''(V) a medium- or heavy-duty electric vehicle; and

''(ii) investment in qualified alternative fuel infrastructure or nonroad equipment, as determined by the Secretary; and

''(B) allocate more than 1, but not to exceed 5, credits for investment in an emerging

technology relating to any vehicle described in subparagraph (A) to encourage—

''(i) a reduction in petroleum demand;

''(ii) technological advancement; and

''(iii) a reduction in vehicle emissions.'';

(4) in subsection (c) (as redesignated by paragraph (1)), by striking ''subsection (a)'' and inserting ''subsection (b)''; and

(5) by adding at the end the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2013.''.

On page 144, line 8, insert ''and the use of 2-wheeled electric drive devices'' after ''bicycling''.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment, as modified.

The amendment (No. 1572), as modified, was agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. I thank my colleague from Alaska for her courtesy in yielding me time to do this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I rise this evening to speak in support of a bipartisan amendment to provide assistance to geothermal power development. This is the National Geothermal Initiative Act of 2007.

I can really get excited about geothermal. In the State of Alaska, where about 70 percent of our State's communities could theoretically tap into hot water from inside the Earth to produce electricity, the possibilities for us as a State are truly enormous. Alaska has nearly a dozen proposed geothermal projects right now that could proceed if there were additional Federal assistance to help in the identification of specific geothermal well sites or aid in the drilling or perhaps provide assistance to develop the geothermal turbines that operate more efficiently.

We have had great discussion on the Senate floor about the price of fuel, the price of energy. It is truly near record highs. Hot water heated naturally by the Earth supports zero fuel cost. Geothermal power only provides the Nation with three-tenths of 1 percent of its electricity at present. This is because of currently high capital costs of siting and building geothermal plants. Geothermal is not yet a mature technology.

Even though we have been trying to promote geothermal technology for over two decades now, there is still a great deal of work to be done. We have not finished a national geothermal mapping assessment. This was started back in 1978. It was never actually conducted in Alaska. But to be able to identify those areas in this country that hold geothermal potential is extremely important.

MIT recently published a report that suggested that geothermal power holds the promise of providing low-cost electricity for most of the Nation. Unlike the discussion earlier today where there was debate about wind generation, and some States are blessed with more wind than others, this MIT report suggests that with geothermal there is greater potential in so many parts of the Nation. But the Federal Government—and this is according to the MIT report—the Federal Government would need to increase its research and financial assistance to help prove the new technology. This is the technology to mine the hot rocks or to inject water deeper into the Earth to heat up, rather than simply tapping the natural hot water springs or only heated subsurface water pools closer to the surface where they are known.

What this amendment, the National Geothermal Initiative Act, would do would be to create a geothermal initiative that will lead to the completion of a geothermal resource base assessment by the year 2010. It will encourage demonstration plants to show the full range of geothermal production and push new technology in the engineering of geothermal plants.

Besides restating a Federal commitment to geothermal, this amendment would fund a national exploration and research effort on the development of geothermal information centers.

We had real reason to celebrate in the State of Alaska last year. A local geothermal developer by the name of Bernie Karl—he owns a small geothermal spring resort called Chena Hot Springs. This is about 35 or 40 miles outside of the community of Fairbanks. This natural hot springs has been there for years. There is a nice natural hot springs where you can come and bathe, and in the wintertime it is a wonderful spot for viewing the northern lights, since you are in these beautiful natural hot springs.

But Mr. Karl had a vision that he could take this small resort—they have about 65 beds there—that he could take this resort and power everything by geothermal. He could have the kitchen operating, he could have the lights on in the lodge, and he could go beyond that. He was going to be a self-sustaining resort. He was going to grow his own vegetables. So he built a beautiful greenhouse where they grow, hydroponically, tomatoes and lettuce. Mr. Karl visited me in January and he brought with him some of the produce that he had just picked the day before, in Fairbanks. In January, in Fairbanks and in Chena Hot Springs, he was coming from temperatures of about 40 degrees below zero. He is able to grow this incredible produce in these temperatures with a greenhouse that is completely heated and lighted by geothermal.

Right next door to his greenhouse he has an ice museum.

It is a large museum structure that has everything from knights in shining armor on horses that are larger than life-size, to a bar, a wedding chapel, bedrooms. The whole thing is an ice palace. He is able to keep it chilled, and you say, well, of course he can keep it chilled in Fairbanks in the winter: it is 40 below zero, but he is able to keep it chilled all throughout the summer using the geothermal energy he has tapped into. This is a remarkable demonstration of what can be done.

You need to understand that the technology he has utilized is not some incredibly difficult and complex technology. He utilized a technology that is designed by United Technologies to produce electricity from relatively cool water. The water that comes from these hot springs is about 160 degrees in temperature. They told Mr. Karl: That is not hot enough to generate the power you need; it needs to be hotter. He did not believe them. He said: I know I can make it work. For just a $1.5 million Federal grant, work at Chena Hot Springs has confirmed that economic electricity can be generated from relatively low-temperature geothermal resources.

Mr. Karl has taken his initiative even further than what is happening at that small resort. He is saying: I can create more geothermal energy that we can sell down the road, sell into the system down in Fairbanks. But again demonstrating we do have enormous potential, we just need a little bit of assistance in demonstrating this technology. It truly opens the door to so many more communities in Alaska that could potentially benefit from geothermal power.

Right now, besides Chena Hot Springs, there are geothermal projects they are looking at in Akutan; this is down in the Aleutian chain. If you ever look at the Aleutian chain, that long strip of islands off the State of Alaska, it is nothing but a string of volcanos, enormous potential. There are also opportunities at Mount Spurr near Anchorage. We are looking at a situation within the south central part of the State where our natural gas resource in that area is waning. What better source to go to than Mount Spurr, just across the inlet, for that geothermal power. Near Naknek, there is great potential. At Tenakee Springs in the southeast, Pilgrim's Hot Springs in western Alaska—these are all ready to potentially produce power if there is some Federal assistance to help lower the cost of their development. This bill will also provide help to university-led geothermal research programs and set up a similar program in Alaska to help expand geothermal power.

Now, there are some who will argue that we do not need Federal aid for this, that geothermal is this mature technology, it has been around for a long while. But the new technology development, according to the MIT report, could result in geothermal power providing America with 100 gigawatts of electricity within 50 years, which is a significant portion of its future power needs, without the risk of supply disruption or fuel price fluctuation.

Then, of course, the other issue we are always very cognizant of on this floor is how we care for our environment, how we deal with emissions from our fuel and energy sources. With geothermal power, we do not produce greenhouse gas emissions, we do not release carbon into the environment. There is a significant, a hugely significant advantage given the current concerns over global warming and climate change.

I had an opportunity, not too many weeks back, to meet with the President of Iceland when he was visiting. I know he met with many Members of this body. I talked to the President of Iceland before. Coming from an Arctic environment, we share a lot in common; we like to exchange notes. We have always talked about the geothermal energy in Iceland and how that country has truly turned to that as their primary source of energy generation.

He indicated to me that just in this past year, he has had major corporations, international and national corporations from this country, looking to Iceland to locate their businesses. There used to be a time when countries would look elsewhere to find cheap sources of labor. Well, what companies are looking for now is affordable, reliable, clean energy.

Think about the potential again with geothermal. It is about as reliable as you are going to come across, just this constant bubbling source from underneath. It is absolutely clean. If we can develop the technology, it can be that affordable source.

Right now, we have researchers in the Alaska Aleutians hoping for a Federal grant to test whether new types of unmanned aerial vehicles can be used to pinpoint these geothermal hotspots, the exact spots where wells should be sunk to tap into the hot water resources. For a nominal Federal grant, this technology could be proven up and would save all geothermal projects many millions of dollars in drilling costs. This one project is an example of why and how Federal aid could be very useful.

This amendment would authorize a couple hundred million dollars in Federal funding for all forms of geothermal work over the next 5 years. That is less than what we have authorized for other forms of renewable energy in the Energy Policy Act of 2005 or have proposed for biomass, wind, solar, or hydrogen fuel development in EPAct and in this bill.

You don't hear people talk a lot about geothermal. You hear a great deal right now about wind, you hear a great deal right now about biomass. But we need to recognize the potential, the enormous potential geothermal holds for this country. As you hold it up against all of the other renewable sources, geothermal kind of sits out there all alone, by itself, along with ocean energy, which you are going to have another opportunity to hear me speak on that and the enormous potential we have with ocean energy. Geothermal and ocean received relatively little Federal assistance in the EPAct 2 years ago, but I believe geothermal is really on the verge of making great things happen in this country.

If we encourage geothermal development, I believe it will pay enormous dividends to the Nation. If we spend the money now to advance that technology, it will help the entire Nation, not just in the West but all across the country.

I urge my colleagues to take a look at the potential for geothermal and recognize that what we would do in this legislation is provide for that very necessary assessment to find out where this exists in terms of the ability to meet our growing energy needs and our desire to find those reliable, affordable, clean sources of energy. I hope my colleagues will endorse assistance to geothermal when this amendment finally comes to a vote.

I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

MORNING BUSINESS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FATHER'S DAY

Mr. BYRD. Mr. President, the Bible admonishes us to ''honor thy father and thy mother.'' Courtesy insists that ladies go first. Last month, the Nation honored mothers with Mother's Day. The ladies were treated to cards, flowers, phone calls, brunches, gifts, and sometimes precious handmade crafts from the preschool set. Retailers urged more extravagant manifestations of our love for our wives and mothers with a dazzling array of usually heart-shaped diamond jewelry, all of which is certainly deserved, even if not always affordable.

This Sunday, June 17, the fathers get their due. Lumpy clay bowls, aftershave lotion and cologne, odd pieces of sports paraphernalia and, of course, neckties in remarkable fashion colors constitute the classic Father's Day gift for the man who has everything. There does not seem to be quite the same level of extravagance in the gift suggestions by merchants, however, perhaps because men do not wear as much jewelry, and golf clubs do not lend themselves to heart shapes. For that I suppose we can all be grateful. Still, I am sure that most American fathers will enjoy being the center of the family's attention on Sunday. Fathers will enjoy their brunch. Fathers will enjoy a respite from lawn care and other chores. They might even indulge in an afternoon nap, a rare luxury—a rare luxury—for most family men.

Fathers deserve their day in the limelight. Good fathers are very busy men, and their contributions to the family merit recognition, just as much as their equally busy wives do. Good fathers work hard—they do—they work hard to provide for their families, but they also invest a lot of time and energy into the home. They often fulfill the stereotypical ''dad role''—they keep the house and the yard in good repair, even if it means tackling mechanical or construction activities for which they have little training. They spend countless hours coaching neighborhood sports teams so that their sons and daughters learn the values of teamwork, leadership, and good sportsmanship. They help with the homework and with assorted school projects, patiently helping to build foaming volcanoes or seaside dioramas. They teach children to set a fishing rod, paddle a canoe, ride a bicycle, or build a dog house. They urge their children to try new things to push themselves harder, to struggle, to win graciously, and to lose with honor. Good fathers want great things for their children. Good fathers help their children to achieve by letting them know that they believe in them. That is a lot to accomplish in a few precious hours between getting home from work and getting to bed each night.

The great man who raised me, the greatest man I ever knew, was my old coal miner dad. I always called him my dad. My adoptive father was just such a good man. He walked to work in the coal mines every day, and he walked home at night. Tired he was, covered with coal dust. Tired as he always was, he always greeted me with a smile, a quick smile. And sometimes he had a cake, a cupcake in his lunch box, and he always saved the cake for me.

He took pride in my school work. Even though I wanted to go into the mines like him, he always told me not to do it, but to do well in school instead. He did not want me in the mines, in those dangerous days of long ago. He wanted better for me than he had. And he put his energy into urging me to do better. His influence on me has been a resource for my whole life. He is the greatest man I ever knew. I have met with Presidents, kings, and princes. He is the greatest man I ever knew.

I was blessed with a good father. I hope that everyone's father is as special to each of you. Fatherhood is a great gift. Fathers gain new responsibilities, but also gain the joys of having children. For children, to have a great father, whether he is one's biological father or one's adoptive father

or just a father figure who influences one's youth, is a very special thing indeed.

It is certainly possible for a child to grow into a talented, accomplished, and good adult without the influence of a father figure, but good fathers and good mothers give their children an advantage. They give their children the security of knowing always that they are loved and that someone is rooting for them, someone is looking out for them. In that security, a child can find the confidence to try and to fail, and to try and to fail, and to try and to fail, and to try and to fail, and to try again, and to try and to fail again. It is a great and lasting gift that our fathers give to each of us, one that certainly deserves one day of recognition every year.

So, Mr. President, I close with a short poem by Holly Dunn called ''Daddy's Hands'' and a salute to fathers everywhere:

I remember daddy's hands folded silently in prayer.
And reachin' out to hold me, when I had a nightmare.
You could read quite a story in the callous' and lines.
Years of work and worry had left their mark behind.
I remember daddy's hands, how they held my mama tight
And patted my back for something done right.
There are things that I'd forgotten that I loved about the man
But I'll always remember the love in daddy's hands.
Daddy's hands were soft and kind when I was cryin'
Daddy's hands were hard as steel when I'd done wrong.
Daddy's hands weren't always gentle but I've come to understand
There was always love in daddy's hands.
I remember daddy's hands workin' 'til they bled
Sacrificed unselfishly just to keep us all fed.
If I could do things over, I'd live my life again
And never take for granted the love—
The sweet love——
in daddy's hands.

FLAG DAY

Mr. BYRD. Mr. President, June 14 is celebrated in the United States as ''Flag Day.'' Flag Day is not a big holiday. Offices will not close to observe it; stores will not hold special sales; no fireworks will light the sky; no special presents or dinners will make June 14 stand out for most people. I doubt that even the holiday card makers have put out much of a selection of cards to send to loved ones, reminding them that we are thinking of them on Flag Day. But it is a special day nonetheless. One may notice more flags than usual—small ones cantilevered into the breeze next to neighborhood front doors and larger ones snapping smartly before schools and storefronts. In Washington, DC, of course, we are blessed with a plethora of flags. Flag Day is a good time to take special note of them, flying proudly above the Capitol Building and in front of all the other government offices and monuments, like those encircling the Washington Monument. They are a grand sight every day of the year, but especially so on Flag Day.

Americans honor their flag, the Stars and Stripes, or Old Glory, on June 14 because it was on June 14, 1777—230 years ago—that the Continental Congress adopted a resolution to give the United States a national flag to replace the British Union Jack. A special committee was formed assigned to suggest the flag's design in a report. The resulting proclamation was brief but inspiring. It said, simply:

> That the flag of the United States shall be of 13 stripes of alternate red and white, with a union of 13 stars of white in a blue field, representing a new constellation.

The new flag was first carried into battle on September 11, 1777, at the Battle of Brandywine, as General George Washington attempted to prevent the British from advancing on Philadelphia.

The 13 stars on that first flag represented the 13 original colonies, but that constellation continued to grow as the Nation grew, until we became the 50 stars that grace Old Glory today. At first, the number of stripes grew as well, but that quickly became unwieldy, and the number of stripes reverted to 13, to represent the original 13 States in the Nation. George Washington is reputed to have said that:

> We take the stars from heaven, the red from our mother country, separate it by white in stripes, thus showing that we have separated from her.

Certainly, the original congressional proclamation did not specify the symbolism of the colors of the flag, or the design, but that has only left the field of symbolism wide open for poets and philosophers, for generals and Presidents as well as everyday citizens. The red has been seen as the blood that has been shed for our Nation, as well as for the red of the British Union Jack. The white has been seen as purity or hope, while the blue has been compared to honor or to the heavens that guard over the Nation. Flags are full of symbols, and Old Glory means many things to Americans. It sums up our Nation in a single icon, and we project our love, pride, determination and even, sometimes, our frustration on it.

The American flag usually brings out the best in us, or rather, the best in us usually brings out the American flag. There are few sights more moving than the sudden appearance of so many American flags on the afternoon of September 11, 2001, and in the days immediately after. The fierce determination and unshaken loyalty to our Nation in the face of a threat was clear in the sight of the flags that appeared on homes, stores, mailboxes and cars within hours of that unspeakable event.

The Stars and Stripes are seen when we celebrate, such as on the Fourth of July or at inaugurations. Old Glory also marks more solemn occasions. The sight of the American flag draped over the coffin of a soldier home from the war, to be solemnly folded and placed in the lap of his grieving family, is a grim reminder of the sometimes great cost of serving our Nation. Those flags, sitting still folded in triangular flag cases on mantels, under shadowboxes with medals, and the small flags so carefully placed in front of the markers at veterans' cemeteries around the Nation on the last Monday in May, remind us of the close proximity between Memorial Day at the end of May and Flag Day in mid-June. But again soon, on July 4, we will see the Stars and Stripes back in party mode, flying proudly over our heads as a part of our grand national birthday celebration.

Mr. President, I like to close my observation of Flag Day with one of my favorite poems, by Henry Holcomb Bennett, entitled ''The Flag Goes By.''

THE FLAG GOES BY

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums,
A flash of color beneath the sky:
Hats off!
The flag is passing by!

Blue and crimson and white it shines,
Over the steel-tipped, ordered lines.
Hats off!
The colors before us fly;
But more than the flag is passing by.

Sea-fights and land-fights, grim and great,
Fought to make and save the State;
Weary marches and sinking ships;
Cheers of victory on dying lips.

Days of plenty and years of peace;
March of a strong land's swift increase;
Equal justice, right, and law, Stately honor and reverend awe;

Signs of nation, great and strong
Toward her people from foreign wrong;
Pride and glory and honor,—all
Live in the colors to stand or fall.

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums;
And loyal hearts are beating high;
Hats off!
The Flag is passing by!

Mr. CRAIG. Mr. President, today is a day of great significance to me and many Americans. In 1949, after decades of unofficial celebrations, President Truman signed an act of Congress that National Flag Day would be celebrated each year on June 14. Sadly, this national holiday goes unnoticed by far too many Americans. I wish to make a few brief comments about our Nation's flag on this day of celebration and remembrance.

Whenever I get a chance to speak with foreign visitors to the United States, I like to ask about their impression of the United States, especially if it is their first time visiting. Time after time, they express amazement at the abundant presence of the U.S. flag, not only in Washington, DC, but in cities and towns of every size across the Nation.

Truly, flags are flying everywhere, not only at government buildings but at restaurants, parks, malls, gas stations, along highways, not to mention

inside and outside private homes. Flag pins adorn lapels, flag stickers grace our cars, flag designs make for popular home decoration, and on Independence Day, our clothing often takes on the theme of Old Glory.

Clearly, we Americans love our flag and love displaying it. It is an expression of patriotism, reverence, and love of country.

From 1776 to today, from the marines who fought their way to plant the flag at the top of Iwo Jima to the firefighters who lifted the flag above the ruins of the World Trade Center, it is clear that our flag represents so much more than a nation. In truth, the American flag represents thousands of years of struggle to achieve political liberty, religious autonomy, and freedom from want. More important, our flag represents the inspiration of the life of our Nation and what humanity has the potential to accomplish.

Throughout our Nation's history, the American flag has enjoyed the protection of its people and its laws. Unfortunately, this safeguard was eroded in 1989 by the Supreme Court decision in Texas v. Johnson. This decision, which many of my colleagues and I agree was misguided, found within the Constitution a right that had never before existed: the right to physically assault the flag under the first amendment. Since then, Members of Congress have been faced with reconciling the tension between ''free speech'' and the symbolic importance of the American flag. As citizens, we can no longer allow flag burning to be considered a ''norm'' in our society. Although we can do nothing when terrorists or those with anti-American sentiments defile our flag abroad, we owe it to our brave service men and women, to ourselves, and to our children to do something when it happens on our own soil.

Our colleagues in the House have submitted a joint resolution to amend the Constitution to allow Congress to protect our flag. I do not take amending the Constitution lightly, but I commend the sponsoring representatives for taking action on such an important issue.

On this Flag Day, I hope we can all remember that our flag is much more than tightly woven cotton mixed with beautiful colors. It is a true symbol of the struggle of this Nation to remain free and it flies tall as a reminder to all of the liberties that we enjoy as proud citizens of this country. The respect that our flag deserves depends on us. I will close by quoting Franklin K. Lane, former Secretary of the Interior, who said this about the flag:

I am what you make me; nothing more. I swing before your eyes as a bright gleam of color, a symbol of yourself.

Mr. DOMENICI. Mr. President. I would like to take a few moments to observe Flag Day.

Two hundred thirty years ago this week the second Continental Congress passed a resolution that created the flag of our Nation. On Flag Day we commemorate the anniversary of this resolution and pay tribute to this honored symbol of the United States.

For every generation of Americans the flag has represented the highest ideals of our Nation, democracy, liberty, and justice. I am proud that although the number of stars has changed over the years, what our flag stands for has not.

I hope New Mexicans will take a moment today to honor the flag and all it represents.

HONORING THOMAS F. HOUSTON

Mr. LOTT. Mr. President, I wish to honor Thomas F. Houston for his 37 years of public service. For the past 9 years, Tom has served as the Senior Policy Advisor to the Director of the Naval Criminal Investigative Service. After almost four decades of service, he will retire this month after a career in which he served the United States in numerous capacities, including almost 20 years as a congressional staff member.

He left Mississippi in 1973 to join me on the staff of Congressman William Colmer. Tom served as Congressman Colmer's press assistant and later helped with my first campaign to replace our former boss. Tom's skill and hard work earned him a stint as deputy press secretary for the Ford-Dole Presidential campaign in 1976, and when that came to a close, Tom joined the staff of the House Committee on Government Operations, serving there until June 1989.

During his 12-year tenure on the committee, Tom had a major hand in writing a number of historical pieces of legislation, including the Inspector General Act of 1978 that first established Inspector General Offices inside Cabinet-level agencies to independently monitor their work.

In 1989, Tom left the Hill to join the George H.W. Bush administration at the Department of Defense. During the Persian Gulf buildup and war, he was the Director of the Desert Shield/Desert Storm Public Affairs Cell. That operation set the precedent for the military's public affairs policy during the recent wars in Afghanistan and Iraq. The impact of his tenure at the Pentagon is reflected in the fact that during just a 4-year period in office, Tom was twice honored by Secretary of Defense Dick Cheney with the Secretary of Defense Medal for Outstanding Public Service.

In 1992, Tom left the administration and returned to the Hill to serve as the communications director for the first Defense Base Realignment and Closure Commission. He met with potentially-affected communities and their congressional delegations to negotiate the best path forward for the transformation of the U.S. military. When the first commission began wrapping up its work, he was named Staff Director to oversee the transition to the next round.

In 1995, Tom signed on as chief of staff to Congressman JIM SAXTON of New Jersey as the second BRAC round began. Congressman SAXTON's district stood to be hit hard by the BRAC process, and Tom devoted himself to helping see the Congressman and his constituents through the duration of the second round of the process.

When it came to a close in 1996, Tom accepted an offer to serve as the chief of staff to Senator KAY BAILEY HUTCHISON of Texas, a key member of the Senate Armed Services Committee at the time and later a member of the powerful Senate Appropriations Committee.

Tom's seemingly endless devotion to his country was only surpassed by his commitment to his family. Tom decided in 1998 to step away from the Hill in order to spend more time with his children. In a move he later called ''the best decision I've ever made,'' Tom took a job at the Naval Criminal Investigative Service, NCIS. He was recruited by NCIS Director David Brant, who charged him with overhauling the way the agency conducted its public affairs. Tom proceeded to do just that, working as head of communications for NCIS and Senior Policy Adviser to the Director to help bring about this revitalization that resulted in NCIS receiving the international recognition it enjoys today.

Tom worked tirelessly to make lasting improvements in the way NCIS approached public affairs during his tenure. Recruiting a top-notch media and congressional affairs team, he undertook an unprecedented public outreach campaign to make NCIS and its mission more widely known and better understood.

I am confident that his enormous efforts will continue to bear fruit for years to come. Perhaps the most well-known outcome of his efforts, though, has been in garnering NCIS international attention through the hit TV show ''NCIS,'' which Tom was instrumental in bringing about. The show has earned NCIS and its employees the kind of public acclaim few in Federal Government enjoy, and through constant collaboration with the show's producers, Tom has worked to ensure the show continues to be a credit to the hard-working men and women that make up the agency.

I would like to take this opportunity to congratulate, honor, and thank Tom and his wife Ginger for their friendship and contributions to our country.

BUDGET RESOLUTION ADJUSTMENTS

Mr. CONRAD. Mr. President, section 207(f) of S. Con. Res. 21, the 2008 Budget resolution, directs the chairman of the Senate Budget Committee to make appropriate adjustments in allocations, aggregates, discretionary spending limits, and other levels of new budget authority and outlays to reflect the difference between the budgetary impact

of enacted legislation making supplemental appropriations for fiscal year 2007 and the corresponding levels assumed in S. Con. Res. 21. On May 25, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, became Public Law 110–28.

As enacted, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, contains changes in new budget authority, outlays, revenues, and other levels that differ from those assumed in the 2008 budget resolution. In total, Public Law 110–28 contains approximately $4.2 billion less in budget authority both in fiscal year 2007 and over fiscal years 2007 through 2012. It also contains $810 million less in outlays in fiscal year 2007 and approximately $4 billion less in outlays over fiscal years 2007 through 2012. In addition, it contains $54 million less in on-budget revenues over fiscal years 2007 through 2012 than was assumed in the 2008 budget resolution.

Most of the new budget authority and outlays contained in Public Law 110–28 was designated as an emergency pursuant to section 204 of the 2008 budget resolution. Those amounts are not counted for purposes of budget enforcement. As a result, the adjustments made for budget enforcement purposes differ from the total amount of the difference between Public Law 110–28 and the corresponding levels assumed in S. Con. Res. 21.

For purposes of the allocation provided to the Senate Appropriations Committee pursuant to section 302 of the Congressional Budget Act and the discretionary spending limits provided pursuant to section 207(b) of the 2008 Budget Resolution, new budget authority is decreased by $188 million in fiscal year 2007 and new budget authority and outlays are increased by $1 million each in fiscal year 2008. Similar adjustments will be made for purposes of enforcing the 311 aggregates in the Senate for new budget authority and outlays in 2007 and 2008. The 311 aggregates additionally will be adjusted for differences in debt service resulting from Public Law 110–28 versus what was assumed in the 2008 budget resolution.

For purposes of enforcing the 311 aggregates in the Senate, total on-budget revenues are adjusted downward by $17 million in fiscal year 2008 and by a total of $54 million over fiscal years 2008 through 2012, while off-budget Social Security revenues are adjusted upward by $17 million in fiscal year 2008 and by a total of $54 million over fiscal years 2008 through 2012.

Finally, I am making a clarifying and technical adjustment to the Senate Committee allocations provided pursuant to section 302 of the Congressional Budget Act and printed on pages 126 through 128 of House Report 110–153, the report accompanying S. Con. Res 21.

I ask unanimous consent to have printed in the RECORD a set of tables which show the revised allocations, aggregates, and other levels for use in enforcing the 2008 budget resolution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 207(f)

[In billions of dollars]

Section 101:	
(1)(A) Federal Revenues:	
FY 2007	1,900.304
FY 2008	2,015.841
FY 2009	2,113.811
FY 2010	2,169.475
FY 2011	2,350.248
FY 2012	2,488.296
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−34.955
FY 2009	6.885
FY 2010	5.754
FY 2011	−44.302
FY 2012	−108.800
(2) New Budget Authority:	
FY 2007	2,376.348
FY 2008	2,495.957
FY 2009	2,517.006
FY 2010	2,569.530
FY 2011	2,684.693
FY 2012	2,719.054
(3) Budget Outlays:	
FY 2007	2,299.749
FY 2008	2,468.215
FY 2009	2,565.589
FY 2010	2,599.173
FY 2011	2,691.657
FY 2012	2,703.260
(4) Deficits:	
FY 2007	399.409
FY 2008	452.374
FY 2009	451.778
FY 2010	429.698
FY 2011	341.409
FY 2012	214.964
(5) Debt Subject to Limit:	
FY 2007	8,931.441
FY 2008	9,501.905
FY 2009	10,070.588
FY 2010	10,618.023
FY 2011	11,072.960
FY 2012	11,414.285
(6) Debt Held by the Public:	
FY 2007	5,046.495
FY 2008	5,310.315
FY 2009	5,558.246
FY 2010	5,770.487
FY 2011	5,877.329
FY 2012	5,846.109
Section 102:	
(a) Social Security Revenues:	
FY 2007	637.586
FY 2008	669.015
FY 2009	702.868
FY 2010	737.598
FY 2011	772.611
FY 2012	807.933
Section 103:	
(19) Net Interest (900):	
FY 2007:	
New budget authority	344.496
Outlays	344.496
FY 2008:	
New budget authority	370.507
Outlays	370.507
FY 2009:	
New budget authority	390.933
Outlays	390.933
FY 2010:	
New budget authority	414.561
Outlays	414.561
FY 2011:	
New budget authority	433.472
Outlays	433.472
FY 2012:	
New budget authority	448.386
Outlays	448.386
(19) Allowances (920):	
FY 2007:	
New budget authority	0.785
Outlays	0.785
FY 2008:	
New budget authority	−6.394
Outlays	−2.164
FY 2009:	
New budget authority	−6.897
Outlays	−6.322
FY 2010:	
New budget authority	−7.193
Outlays	−6.987
FY 2011:	
New budget authority	−7.298
Outlays	−7.184
FY 2012:	
New budget authority	−7.430
Outlays	−7.314
(21) Overseas Deployments and Other Activities (970):	
FY 2007:	
New budget authority	119.979
Outlays	31.125
FY 2008:	
New budget authority	145.162
Outlays	113.829
FY 2009:	
New budget authority	50.000
Outlays	109.064
FY 2010:	
New budget authority	0.000
Outlays	41.025
FY 2011:	
New budget authority	0.000
Outlays	13.300
FY 2012:	
New budget authority	0.000
Outlays	4.423

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT—BUDGET YEAR TOTAL 2007

[In billions of dollars]

Committee	Direct spending legislation		Entitlements funded in annual appropriations acts	
	Budget Authority	Outlays	Budget Authority	Outlays
Appropriations:				
General Purpose Discretionary	950,316	1,029,465		
Memo:				
off-budget	4,692	4,727		
on-budget	945,624	1,024,738		

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT—BUDGET YEAR TOTAL 2007—Continued

[In billions of dollars]

Committee	Direct spending legislation		Entitlements funded in annual appropriations acts	
	Budget Authority	Outlays	Budget Authority	Outlays
Mandatory	551,939	535,718		
Total	1,502,255	1,565,183		
Agriculture, Nutrition, and Forestry	14,284	14,056	69,157	53,045
Armed Services	98,717	98,252	102	112
Banking, Housing, and Urban Affairs	11,641	−1,788	1	1
Commerce, Science, and Transportation	16,278	8,257	1,060	1,026
Energy and Natural Resources	5,016	5,484	54	59
Environment and Public Works	42,426	1,687	0	0
Finance	1,011,515	1,017,805	417,759	417,995
Foreign Relations	15,769	15,763	164	164
Homeland Security and Governmental Affairs	102,150	98,545	20,656	20,657
Judiciary	6,811	6,945	617	611
Health, Education, Labor, and Pensions	12,922	13,144	4,371	4,224
Rules and Administration	67	39	121	121
Intelligence	0	0	256	256
Veterans' Affairs	304	354	37,621	37,447
Indian Affairs	451	448	0	0
Small Business	−78	−78	0	0
Unassigned to Committee	−580,291	−570,736	0	0
Total	2,260,237	2,273,360	551,939	535,718
Appropriations:				
General Purpose Discretionary	953,053	1,028,398		
Memo:				
off-budget	4,850	4,859		
on-budget	948,203	1,023,539		
Mandatory	589.022	575.329		
Total	1,542,075	1,603,727		
Agriculture, Nutrition, and Forestry	13,464	12,939	69,055	55,661
Armed Services	102,125	102,153	105	114
Banking, Housing, and Urban Affairs	13,296	−1,878	1	1
Commerce, Science, and Transportation	14,547	9,906	1,069	1,063
Energy and Natural Resources	5,071	4,757	54	55
Environment and Public Works	43,535	1,753	0	0
Finance	1,078,809	1,079,815	450,848	450,814
Foreign Relations	14,688	14,690	159	159
Homeland Security and Governmental Affairs	87,956	85,389	20,869	20,869
Judiciary	8,617	7,504	638	629
Health, Education, Labor, and Pensions	10,608	10,024	4,451	4,346
Rules and Administration	70	215	126	126
Intelligence	0	0	263	263
Veterans' Affairs	1,219	1,300	41,384	41,229
Indian Affairs	452	441	0	0
Small Business	0	0	0	0
Unassigned to Committee	−582,534	−574,753	0	0
Total	2,353,998	2,357,982	589,022	575,329
Agriculture, Nutrition, and Forestry	67,878	65,557	353,820	292,096
Armed Services	546,992	546,679	268	325
Banking, Housing, and Urban Affairs	64,093	−18,543	5	5
Commerce, Science, and Transportation	75,198	48,684	5,878	5,855
Energy and Natural Resources	25,838	24,730	264	265
Environment and Public Works	181,487	9,668	0	0
Finance	6,017,388	6,021,713	2,587,343	2,587,228
Foreign Relations	69,077	65,798	698	698
Homeland Security and Governmental Affairs	483,868	470,496	107,903	107,903
Judiciary	37,630	37,363	3,281	3,257
Health, Education, Labor, and Pensions	56,565	54,185	23,399	22,836
Rules and Administration	343	532	683	683
Intelligence	0	0	1,415	1,415
Veterans' Affairs	5,900	6,449	220,335	219,343
Indian Affairs	1,748	1,835	0	0
Small Business	0	0	0	0

ADJUSTMENT TO SECTION 207(b) SENATE DISCRETIONARY SPENDING LIMITS PURSUANT TO SECTION 207(f) OF THE 2008 BUDGET RESOLUTION

[In millions of dollars]

	Initial limit	Adjustment	Revised limit
FY 2007 Budget Authority	950,504	−188	950,316
FY 2007 Outlays	1,029,465	0	1,029,465
FY 2008 Budget Authority	953,052	1	953,053
FY 2008 Outlays	1,028,397	1	1,028,398

HONORING JOHN WARNER

Mr. LUGAR. Mr. President, on June 5, I had the privilege of attending a gala where my friends Lee Hamilton and JOHN WARNER received the George C. Marshall Foundation Award honoring statesmen of courage and integrity.

At the event our former colleague, Senator Nancy Kassebaum Baker, introduced Senator WARNER. I appreciate this opportunity to share with my fellow Senators her speech honoring the distinguished career of our colleague and friend. I ask unanimous consent that the speech of Nancy Kassebaum Baker be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.

I first met John Warner when the new Senators elected in 1978, including me, gathered in Washington. The teacher instructing us was Howard Baker.

John Warner already had behind him a distinguished career in service to his country—World War II, Korea, Under Secretary of the Navy and then Secretary of the Navy during the Vietnam War.

As a recipient this evening of the George C. Marshall Foundation Award, along with Congressman Lee Hamilton, I am certain that Senator Warner would agree with the emphasis that the George C. Marshall Foundation has placed on the importance of the ROTC and JROTC programs.

The idea of educating and training Army officers goes back to the 1700s. The first civilian institution of higher learning to incorporate military education into its curriculum was founded in 1819 in Vermont. There have been peaks and valleys in support of such a program ever since. It would be my hope that there could be ever stronger support to the JROTC and ROTC programs in training future leaders in responsibility, dedication and integrity in service to our country. I hope, John, you don think I am lobbying you as a member of the Armed Services Committee.

You may not remember, but I well do, my first debate in the Senate, June 1980. I had offered an amendment and you led the opposition. You kept saying ''my distinguished colleague of Kansas,'' and I kept saying this just makes common sense. The question was whether 18–19-year-old women should also be included in the reinstitution of the male-only registration program. It seems a rather quaint debate in the scheme of things today.

Time marched on—28 years—Senator Warner is now the second longest serving Senator from the Commonwealth of Virginia. I believe there has never been a Chairman of the Armed Services Committee who has been better prepared for an understanding of the Armed Services.

But beyond just material security interests you have provided thoughtful consideration of all issues facing our country and our Armed Services.

You are truly a Senator Statesman.

On behalf of the Marshall Foundation, I am pleased to present the 2007 George C. Marshall Foundation Award to Senator John Warner.

HONORING LEE HAMILTON

Mr. LUGAR. Mr. President, on June 5, I had the privilege of introducing my longtime friend and fellow Hoosier, Representative Lee Hamilton, at a gala where he received the George C. Marshall Foundation Award honoring statesmen of courage and integrity.

I appreciate this opportunity to share with my fellow Senators my speech honoring the distinguished career of this outstanding public servant. I ask unanimous consent that my speech be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.

Thank you for inviting me to attend this remarkable event, which honors two close friends and colleagues, Lee Hamilton and JOHN WARNER.

I have the special honor this evening to pay tribute to Lee Hamilton, with whom I served in the Indiana congressional delegation for more than two decades. Though born in Florida, Lee moved with his family to Indiana where he distinguished himself as a scholar and an athlete at Evansville Central High School and DePauw University. At DePauw, Lee graduated with honors, led the basketball team in scoring and rebounding, and received the Walker Cup, given to the senior judged to have contributed the most to the University during a 4-year career. Lee went on to earn a law degree from Indiana University. He practiced law before Indiana's Ninth Congressional District elected him to the House of Representatives in 1964.

Though our home state was not typically associated with international affairs, both Lee and I sought a seat on the foreign policy committees of our respective chambers, and both of us eventually became chairman. Over the years, we have shared a passionate interest in international affairs, and we have had the opportunity to work together on legislation and projects that we hope will stand the test of time.

The award that Lee Hamilton receives this evening honors the spirit of General George C. Marshall and the Marshall Plan. It is fitting that the George Marshall Foundation would honor the statesmanship and vision of my friend. As an exchange student in 1951 at Goethe University, Lee had the opportunity to study in Europe when the wounds of World War II were still fresh. I have heard him speak of his amazement that even 6 years after the end of the war, he could witness omnipresent bomb damage and encounter rationing that allowed students just one egg per week.

Lee saw firsthand the hope and goodwill that was fostered by the Marshall Plan, and he saw its tangible effects as our assistance began to take hold in many European nations. This success made a lasting impression on Lee that would influence his work in the U.S. House of Representatives.

During Lee Hamilton 34-year congressional career, he promoted the importance of the U.S.-European relationship as one of the pillars of American foreign policy. He was the Founding Chairman of the Congressional Study Group on Germany, which has facilitated a close working relationship between the U.S. Congress and the German Bundestag. For more than two decades, Members of the U.S. Congress and Members of the German Bundestag have traveled to each others nations to heighten appreciation for trans-Atlantic cooperation and communication. The deep cultural affinity the United States shares with Europe is rooted in our immigrant past and a century of common struggle for the values of democracy, human rights, and political freedom. Lee has always nurtured this relationship and recognized that whatever disagreements might exist, the fundamental interests of both sides of the Atlantic are best served by a resolute European-American partnership.

Having seen the transformational effects of U.S. foreign assistance first-hand, Lee Hamilton has been a stalwart advocate of diplomatic and economic engagement. Lee has always understood that effective diplomacy depends on personal relationships and developing respect for foreign perspectives and cultures. These are principles epitomized by General Marshall, and they are more vital today than ever. They are principles that are at the core of the recommendations of the September 11 Commission and the Iraq Study Group—both of which Lee Hamilton co-chaired with skill and dignity.

In the United States, Lee Hamilton is committed to making sure that the American citizenry knows how Congress works and why engagement with the world is important. His latest project, through the Center on Congress at Indiana University, will create a ''virtual Congress'' in which students from across the county can assume the role of a Member of Congress attending committee meetings, holding town hall conversations, and offering their own ideas to our current challenges. In this endeavor, Lee is elevating the process of learning about Congress and national issues to a new level. It will result in a better informed citizenry, and, in the end, better government—which is what Lee Hamilton's service to our Nation has always been about.

George Marshall once said that, ''Military power wins battles, but spiritual power wins wars.'' Lee Hamilton's service has epitomized this concept. And that is why European leaders, both current and past, follow a steady path to the doors of the Wilson Center for International Scholars. They know that, in Lee Hamilton, they have an extraordinarily experienced and trusted public servant who can offer sage advice and who continues to devote himself to strengthening the bonds that the Marshall Plan forged more than 60 years ago.

On behalf of the Marshall Foundation, I am pleased to present the 2007 George C. Marshall Foundation Award to the Honorable Lee Hamilton.

232ND BIRTHDAY OF THE UNITED STATES ARMY

Mr. HAGEL. Mr. President, I rise today to wish the U.S. Army a happy birthday. It was 232 years ago today, June 14, 1775, that the Continental Army of the United States was formed.

Over the past 232 years, millions of men and women have served in the oldest branch of our Armed Forces. Their honor, courage, sacrifice, and service are the foundation of America's greatness. The Army principles of ''Duty, Honor, Country'' represent the core values of America. Every generation of Americans who have served in the U.S. Army—from the Continental Army to our fighting men and women serving today in Iraq, Afghanistan, and elsewhere—has been shaped by these principles. They inspire us and will continue to serve as role models for future generations.

The Army has steadfastly protected our way of life and has never turned from a challenge. As the Army Song so eloquently says:

First to fight for the right,
And to build the Nation's might,
And The Army Goes Rolling Along,
Proud of all we have done,
Fighting till the battle's won,
And the Army Goes Rolling Along.

Today's soldiers are the newest generation in a long line of dedicated professionals who have put service to the Nation over self. These soldiers, just as those who have gone before them, will continue to protect our democracy and make the world more secure, peaceful, and prosperous.

On this 232nd birthday of the U.S. Army, we recognize and thank all those who have served or are serving our country with pride and honor in the uniform of the U.S. Army, especially those serving today in Iraq and Afghanistan.

''Happy Birthday'' to the U.S. Army.

HOOAH!!!!

Mr. MARTINEZ. Mr. President, today, the U.S. Army celebrates its 232nd birthday. Since a time before the signing of the Declaration of Independence, the body that soon became the U.S. Army has proudly served the people of this land. This is a birthday that should be recognized by all Americans. Created by the Second Continental Congress in Philadelphia on June 14, 1775, our Founding Fathers possessed great vision when making the decision to establish the Army. They realized the importance of having a well-trained, reliable, always-ready Army to defend freedom and the rights of the people. The U.S. Army and its soldiers have admirably served in more than ten wars from the American Revolution to the present war on terrorism.

All branches of our military know the deepest depths of sacrifice; and as our oldest military branch, the U.S. Army and its 232nd birthday symbolize

centuries of struggle and sacrifice on behalf of us all. Members of our armed services valiantly serve and strive to keep us safe, protect our way of life, and defend freedom whenever and wherever it is in harm's way. This June 14th—the day we also celebrate Flag Day—reminds us of the meaning of patriotism and the importance of service to country.

As there are Army birthday celebrations going on across the country—and the world—today, we should once again pause to remember the dedication of our brave men and women in uniform and their commitment to ''Duty, Honor, Country.''

To every member of our military—whether a veteran, active duty, or reserve—and your families, we say, thank you. You have helped, and continue to help keep our country free, safe, and secure. We honor your dedication and continual sacrifices.

And to the Army on this day, I say, Happy Birthday. Thank you for helping to keep America safe and free for us and the next generation. As the Army's slogan states: ''Army Strong.''

TRIBUTE TO KAZAKHSTAN AMBASSADOR KANAT SAUDABAYEV

Ms. LANDRIEU. Mr. President, I wish to send my best wishes to the new Kazakhstan Secretary of State, Kanat Saudabayev. Before assuming his new position, Secretary Saudabayev served as the Kazakh Ambassador to the United States for almost 7 years. During this time, I have had the privilege of working closely with Secretary Saudabayev in strengthening the relationships between Kazakhstan, the United States, and particularly Louisiana.

On May 15, 2007, Ambassador Saudabayev was appointed to the position of Secretary of State for Kazakhstan. This elevation follows a two-decade career as a diplomat. His postings include such important nations as the United Kingdom and Turkey during the 1990s. In December 2000, Secretary Saudabayev was selected as the Ambassador to the United States.

Secretary Saudabayev has proven what a skilled diplomat can do in Washington. Representing a young nation with immense potential, he has built Kazakhstan's reputation as a reliable ally in the war on terrorism and a pro-American voice in Central Asia.

While Ambassador, Secretary Saudabayev helped arrange two White House meetings between President Bush and Kazakh President Nursultan Nazarbayev, promoted massive U.S. investment in his country, and even turned a satirical movie about Kazakhstan into a promotional vehicle to attract tourists.

Additionally, I must express my personal thanks for Secretary Saudabayev and Kazakhstan's contributions to my home State of Louisiana. In the aftermath of Hurricane Katrina, Secretary Saudabayev presented $50,000 in donations to St. Bernard Unified School and education in New Orleans and made a significant donation to the Bush-Clinton Katrina Fund on behalf of Kazakhstan.

Kazakhstan and Louisiana have a unique and unprecedented relationship. Through Secretary Saudabayev's dedication and hard work, Kazakhstan and Louisiana have executed a direct trade agreement, a conduit of business and ideas between my home State and Kazakhstan. In addition to this, Secretary Saudabayev has been working with Congressman MELANCON and me to expand Louisiana's business presence in Kazakhstan. For example, we have been working toward opening Kazakhstan's energy markets to Louisiana companies.

Although Kazakhstan is a young nation, it has shown tremendous progress and occupies an enviable place in the international community. Secretary Saudabayev has made significant contributions to the establishment of strong and friendly relations between Kazakhstan and the United States, and I am confident that through his new role as the Secretary of State, he will continue to do so. Therefore, I would like to congratulate Secretary Saudabayev and look forward to working with him in his new capacity.

HONORING CAXTON PRINTERS

Mr. CRAIG. Mr. President, I wish to honor one of Idaho's oldest businesses—Caxton Printers of Caldwell, ID. This year they are celebrating their 100th anniversary; they are older than many Caldwell mainstays including the J.R. Simplot Company and the Caldwell Night Rodeo.

For 100 years, Caxton Printers has served the people of Idaho. Their ideals are reflected in the statement of one of the founders, J.H. Gipson: ''Books to us never can or will be primarily articles of merchandise to be produced as cheaply as possible and to be sold like slabs of bacon or packages of cereal over the counter. If there is anything that is really worthwhile in this mad jumble we call the Twentieth Century, it should be books.''

Well, times have certainly changed since then. One can only imagine what Mr. Gipson would say about the 21st century. Caxton Printers, though, continues to survive by focusing on quality—both in their service and in their product. My staff and I know this firsthand.

What they do for us, though, is just a sliver of their storied history.

During their first 100 years, the family-run business has been a shining example of a couple bootstrappers making it in the rural West. In fact, at one point, they were the exclusive printing and binding company west of Kansas City, and in the 1920s they decided to help western writers receive the attention they deserved. By 1928, they had produced five titles. Output steadily grew, and by 1936 they had released well over 100 new books. While they lost money on virtually every book published before World War II, Mr. Gipson ''felt repaid in producing at least a book or two which have a fair chance of gaining a place in the permanent literature of our country.'' Well, Caxton's most famous author, Ayn Rand, certainly achieved that acclaim.

Caxton Printers has helped to preserve and tell the history of the West. In addition to focusing their publishing on nonfiction books about the West, they have served as the Idaho State Textbook Depository since 1927. Just about every student in Idaho has been impacted by Caxton Printers. I can tell you that this Senator certainly appreciates all they do to preserve and tell the stories of the people, places, and events that shaped the West.

Over the past 100 years, Caxton Printers and the Gipson family have experienced a lot and, through it all, have prospered while remaining true to J.H. Gipson's philosophy of producing high-quality books and products. They make Idaho, and the West, proud.

DYSTONIA AWARENESS WEEK

Mr. LIEBERMAN. Mr. President, I would like to take this opportunity to call to the attention of my colleagues that the week of June 3 to 10 was Dystonia Awareness Week. The Dystonia Advocacy Coalition, through the commemoration of this week and a number of other outreach activities, sought to raise awareness of dystonia, a neurological disorder.

Dystonia is a movement disorder that causes the muscles to contract and spasm involuntarily. There is presently no cure, and although remarkable progress has been made in unraveling the causes and mechanisms of dystonia, the availability of effective treatments is limited. Approximately 50 percent of patients with dystonia have a genetically inherited form while the other half suffers from dystonia as a result of birth injury, physical trauma, exposure to certain medications, surgery, or stroke. Estimates suggest dystonia affects at least 300,000 people in North America.

Given the prevalence and limited treatment options for this disorder, I call on my colleagues to increase support for the National Institutes of Health, which funds dystonia research through the National Institute of Neurologic Disorders and Stroke, NINDS, the National Institute on Deafness and Other Communication Disorders, NIDCD, and the National Eye Institute, NEI.

I have consistently supported increases in NIH funding in the past and recently signed onto a letter asking for a 6.7 percent increase in NIH funding for the fiscal year 2008 appropriations bill. The lack of treatment options and a cure for serious conditions like dystonia underscores the overall need to support basic science and translational research that allows for

the transfer of discoveries from the laboratory bench to actual medical treatments. I am continuing to develop legislation to enhance our Federal translational research efforts. I believe we can and must bring new treatments for diseases such as dystonia to the public faster than ever.

CONGRATULATIONS FOR REBEKAH FRESE

Mr. GRASSLEY. Mr. President, today I would like to recognize the accomplishment of a particularly talented student from my home State of Iowa. Rebekah Frese has been chosen to present her National History Day documentary, ''Boarding the Freedom Train: The Underground Railroad in Iowa,'' at the Smithsonian American Art Museum. I congratulate her on this achievement and commend her for her hard work and determination in creating such a wonderful project.

Rebekah's documentary highlights the significant role Iowa and Iowans played in the effort to ensure the safety of escaped slaves prior to the American Civil War. She is a student at the Lenihan Intermediate School in Melbourne, IA and was selected as one of 22 presenters out of 2000 finalists that attended the National History Day national contest at the University of Maryland June 10 to 14.

In Iowa, we take great pride in our educational system, and it is personally rewarding when one of our students sets themselves apart at the national level. Programs such as National History Day give students opportunities to succeed through hard work and determination, encouraging what is at the heart of the American spirit. I appreciate National History Day and its commitment to improving the teaching and learning of American history in our schools.

I would also like to take this opportunity to make special mention of teachers Millie Frese and Karen Roessler, who offered their assistance and encouragement to Rebekah while undertaking this difficult project. Quality teachers like these motivate and inspire students to push themselves to realize their potential. By helping to shape citizens and future leaders, teachers like Millie Frese and Karen Roessler are indispensable parts of our democracy. Once again, congratulations, Rebekah, for your first-class work bringing greater awareness to Iowa's role in the Underground Railroad.

ADDITIONAL STATEMENTS

HONORING LINDA DAVIS AND BRIGID O'CONNOR

● Mr. BAUCUS. Mr. President, I wish to honor Linda Davis and Brigid O'Connor. I want to recognize their public service, their courage, and their dedication. As public health nurses in Lake County, MT, they worked tirelessly since last year to manage the care of a person diagnosed with tuberculosis. They did this while continuing to ensure the safety of other Lake County residents.

Let me share with you a little more about Linda and Brigid.

Linda Davis has been the director of nursing services for the Lake County Health Department since 1991. Her vision and leadership have transformed Lake County's nursing services. Under her guidance, the office staff has grown from 3 to 15. And services have become more comprehensive.

For Linda, public health is about creating programs that address all the community's needs. Linda's resourcefulness and ingenuity have made her a success. She continues to overcome barriers and move forward. This current example of patient care shows that.

Linda is a dedicated public servant. She has worked in public health for 29 years, all in Lake County. And Linda is a fine example of Montana's education system. She is a graduate of the Montana State University-Bozeman School of Nursing.

Brigid O'Connor is the communicable and infectious disease nurse for Lake County. She has worked in public health for the last 10 years, all in Lake County. Before that, she worked in home health. Although Brigid is not originally from Montana, she has spent her entire nursing career in our great State. Brigid also received her degree from the Montana State University-Bozeman School of Nursing. Before moving to Montana, she spent some time in India working with leprosy patients. This experience moved her to pursue nursing. Brigid is a compassionate, driven, and dedicated professional.

The residents of Lake County are fortunate to be served by such outstanding nurses as Linda and Brigid.

The Lake County Health Department's handling of this case is exemplary. It worked because Linda and Brigid focused on patient education and community awareness. They balanced respect for a patient's rights with taking appropriate steps to protect public health.

Lake County is a low-incidence area. That means that these cases are uncommon. Typically, one patient a year is diagnosed with tuberculosis in Lake County. And that makes Linda's and Brigid's ability to react effectively even more impressive.

And people are recognizing Linda's and Brigid's handling of this case. The Montana Tuberculosis Officer is presenting the case at the Centers for Disease Control's annual meeting on tuberculosis.

This case exemplifies the creativity of individuals across Montana. It highlights their resourcefulness. The Lake County Health Department has been able to use emergency preparedness funds to help create an infectious disease response program. These funds have also allowed them to step up their after-hours capabilities.

Linda and Brigid worked with the Montana Department of Public Health and Human Services in caring for this individual and the community. Responding to a challenge like tuberculosis requires cooperation, ingenuity, and hard work.

I am very proud, not only of Linda and Brigid's work, but of all of Montana's State and local health officials.

We are lucky in Montana. Even though we are a big State with a small population, we are well prepared to respond to such public health challenges because of our dedicated and capable public health professionals.

Working together, the Montana health care community has found ways to beat challenges like these, despite apparent obstacles.

We depend on our public health professionals to constantly come up with creative ways to respond to such challenges while continuing to provide high quality care for the sick.

Linda and Brigid are two such professionals. It is my honor to recognize them here today in the Senate. And it is an honor to be able to work with them to create a safe and healthy Montana.●

NATIONAL HISTORY DAY

● Mr. BINGAMAN Mr. President, today I recognize three New Mexico students who participated in the National History Day contest that took place earlier this week at the University of Maryland. More than half a million students in grades 6 through 12 from all over the country prepared research projects to be presented at local- and state-level competitions this year. I am very proud that three New Mexico students were chosen to present their National History Day projects at the National Portrait Gallery here in Washington yesterday.

Ryan Andrews-Armijo and Ashley Page, from Moriarty Middle School, used this year's National History Day theme: ''Triumph and Tragedy in History'' to produce a documentary entitled ''Breaking the Unwritten Rules.'' Ryan and Ashley put in many hours of hard work, researching the 1966 Texas Western Miners basketball team. I commend them for their excellent work.

Shannon Burns, from Los Alamos Middle School, filmed a documentary entitled:' ''Léaró Dóchias (Ray of Hope) The Irish Triumph over Tragedy in America.'' Shannon did a superb job in putting together a beautiful documentary about the history of Irish immigration in America.

Along with these three exceptional New Mexico students, I would also like to recognize their outstanding teachers: Ms. Bethany Vaughn from Moriarty and Ms. Gayle Beckett from Los Alamos. These teachers have demonstrated great skill and commitment

in helping their students understand and appreciate history.

I commend Ryan, Ashley, and Shannon for their hard work and commitment to sharing our national history. They are models of student excellence not only for their peers in New Mexico, but for students nationwide.●

TRIBUTE TO LIEUTENANT COLONEL DAREL LEETUN

● Mr. DORGAN. Mr. President, on Saturday July 7, Hettinger, ND, population 1,574, a town near where I grew up, will celebrate its centenary. In honor of that historic date, the entire community is hosting a week of parades, speeches, dances, picnics, concerts and all kinds of entertainment.

Along with all the other centenary events, Hettinger has set aside time with a choir and a band to honor America's veterans. During the program the community will recognize the service of LTC Darel Leetun, a local son who earned the Air Force Cross and lost his life in Vietnam.

Darel Leetun's service is typical of the dedication and sacrifice that American veterans have exhibited throughout our history. But his individual story is remarkable. And I would like to spend a few minutes to tell you some of it.

Darel Leetun was born in Hettinger on December 24, 1932. He was raised in North Dakota and graduated from Steele High School and North Dakota State University. He served as a county agent, spent a year in India and then joined the Air Force and became a fighter pilot. He was sent to Vietnam.

On September 17, 1966, then-Captain Leetun took off on his 96th mission, leading a flight of F–105 Thunderchiefs against a high priority target near Hanoi. It was heavily defended and Captain Leetun had to lead his flight through intense and accurate flak, surface-to-air missiles, and MiG fighters.

On the bomb run, Leetun's Thunderchief was hit by ground fire. According to witnesses, his F–105 become a flaming torch and nearly uncontrollable. But Leetun remained in formation and delivered his high-explosive ordnance directly on target.

After releasing his bombs, Captain Leetun's plane went out of control and was seen to crash approximately 10 miles from the target area.

Other pilots in the flight saw the jet crash, but did not receive emergency beeper signals or see a parachute.

For a long time, his family did not know what had happened to him. They didn't know if he was killed in the crash or if he was a prisoner of war.

The Air Force declared Darel Leetun missing in action and promoted him twice. But finally, in 1975, the U.S. Government declared Lieutenant Colonel Leetun dead.

In 1995, remains that were believed to be Leetun's were found on a hillside by a joint U.S.-Vietnamese search team. It wasn't until 2005 that they were positively identified by American forensic experts in Hawaii.

Darel Leetun was buried with full military honors on July 8, 2005, at Arlington National Cemetery. I attended his funeral.

Darel's grandchildren Joni, Jack, and Jane sang ''America the Beautiful'' at the memorial ceremony in the Arlington chapel. Then eight Army horses drew his caisson down a twisting road to the grave site, where MG Charles Baldwin presented Darel's son Keith with the American flag that covered the casket.

The service ended with a 21-gun salute, followed by the playing of ''Taps.''

Darrel Leetun was awarded 14 medals for his military service, including the Distinguished Flying Cross, the Bronze Star, the Air Medal and the Purple Heart. He is the only North Dakotan from the Vietnam war who received the Air Force Cross for extraordinary heroism, which is the second highest medal for valor in combat.

Keith Leetun was only six when his father was shot down. He barely knew his father and he didn't know much about how he died.

But one day in 1992, Keith met his father's wingman on the golf course, completely by accident. They happened to be the only golfers on the first tee at 7 a.m. No one was around except the greens keeper. They started chatting and learned of their mutual connection to Darel Leetun.

When he found out that Keith was Darel's son, the wingman said, ''Your father was my mentor, best friend and the 'heart and soul' of the squadron. He was the life of the party and we called him 'Gravel'. He was a substitute pilot the day he got shot down. He went the extra mile and hit his target as his jet was on fire!''

Since then, Keith Leetun has been driven to share his father's story with other Vietnam veterans and to get them to share their own stories.

After the main veterans program in Hettinger, Keith and the rest of Darel Leetun's family will host a smaller program about Darel's life and military service called ''My Way Back.'' They are doing that not just to commemorate Darel, but to honor all Vietnam veterans and to encourage them to share their stories and experiences with each other and with the public.

Most Vietnam veterans were drafted into service. But they served honorably. Nearly 60,000 of them didn't come home.

By the time the Vietnam conflict ended in the 1970s, the war had split the Nation. In the ugliness of it, the returning veterans were often derided for their part in it.

Many of them were treated horribly. Much of the general public spurned them, and their government ignored them.

Fortunately, times have changed.

In 1982 the Vietnam Memorial Wall was dedicated with the names of the fallen etched into black granite. That has gone a long way toward healing the wounds of Vietnam.

And with today's wars in Iraq and Afghanistan, our country is beginning to pay more attention to the needs of all veterans. It is ironic that the Vietnam veterans who were cheated of their welcome home parades have been loud advocates of seeing that today's veterans get theirs.

LTC Darel Leetun is an example of the courage and sacrifice of all those who have followed orders and gone into harm's way in defense of our country. This Nation's survival depends on present and future generations of Darel Leetun's kind of soldier.

I wish to join the citizens of Hettinger, ND, in thanking Darel Leetun and all of America's veterans for their service to our country.●

TRIBUTE TO BOB BARKER

● Mrs. FEINSTEIN. Mr. President, Bob Barker has graced millions of living rooms with his warm presence and genuine manner. Sadly today airs his final episode hosting America's beloved ''The Price is Right'' on CBS, but today is appropriate to remember the impact this wonderful man had on all of us, as he became a piece of our history and a small part of our lives each day.

Bob Barker's name is synonymous with CBS's ''The Price is Right,'' which he began hosting on September 4, 1972. It ends today as the longest running daytime game show in television history. He holds a plethora of longevity records, including a record for holding a weekday TV job continuously for 50 years as of 2006, the oldest person to receive an MTV movie award for his role in the comedy ''Billy Madison,'' and he has hosted or appeared on a 5-day-a-week television program longer than anyone else in the history of television. Also on December 31, 2006, Bob Barker celebrated the anniversary of his 50th year on national television. He is truly a fixture in American culture and television legend. His grace and humor have truly contributed to his success, and will be missed greatly by his millions of loyal fans ranging from the young to the young at heart.

Bob Barker is also a strong advocate for animal rights, and brings that passion into his role as host of ''The Price is Right.'' He credits his love of animals and awareness to animal rights activism to his late wife Dorothy Jo. He continued the work in her memory. Bob insisted the show stop giving away fur coats as prizes, and formed the DJ&T Foundation that contributes millions of dollars to fund animal rescue and park facilities across the country. His passion for the cause has even brought him here to Washington, DC, where he spoke on Capitol Hill on the issue of animal rights.

Barker has been recognized for his success and talent by receiving 17 Emmy Awards and the Lifetime Achievement Award for Daytime Television in 1999. Barker has also had the

honor of being inducted into the Academy of Television Arts & Sciences Hall of Fame. In March of 1998, to commemorate the five thousandth episode of ''The Price is Right,'' CBS dedicated the show's soundstage in his honor.

America will certainly miss being greeted by the smiling and vibrant face of Bob Barker each morning, however, his success in both his career and in life are indisputable. There is no doubt Bob Barker has positively impacted the lives of many, and on this day as we celebrate with Bob the airing of his final episode hosting ''The Price is Right,'' we should also extend our thanks to Bob for the many delightful years and countless memories he has granted us.●

TRIBUTE TO CONGREGATION BETH EL

● Mr. LEVIN. Mr. President, it is with great pride that I pay tribute to Congregation Beth El on its 120th anniversary. The congregation will celebrate this milestone with a weekend of events titled ''May Ohr L'Ohr: From Light to Light'' on June 22 through June 24, 2007. This celebration will highlight the congregation's rich history and recognize its special place in the Grand Traverse community.

Congregation Beth El was formed in the late 1800s by Jewish immigrants arriving from Poland and Russia. In 1885, the cornerstone was laid for the Beth El synagogue, a simple two-story gable-and-clapboard structure. Today, the building is the oldest synagogue in continuous use in Michigan and is featured on the State Register of Historic Sites. The synagogue, originally built to hold an Orthodox congregation, has evolved over the years to serve all members of the Jewish community, as well as to welcome those of other faiths.

The vitality of Congregation Beth El can be attributed to the hard work, dedication, and vision of the congregation. The congregation, led in large measure by the executive committee, has sought to make the synagogue the center of the Jewish community's religious and social life. One such example is the summer rabbi program. The program enables young rabbis to travel to Traverse City to share their enthusiasm for and commitment to Judaism with members of the congregation and community. This program has been greatly successful and eventually led to a year-round rabbi presence for Congregation Beth El.

On the celebration of the 120th anniversary of Congregation Beth El, I would like to extend my best wishes to all members of the congregation. I also commend the leadership of Congregation Beth El on maintaining a synagogue that has provided a place for those seeking answers in Judaism and a center of Jewish activities in northern Michigan. Once again, congratulations on 120 years of service and growth in the Grand Traverse area.●

TRIBUTE TO TODD BEUKE

● Mrs. MURRAY. Mr. President, I wish to recognize Todd Beuke, a great contributor to the education community in the State of Washington. Mr. Beuke is an exceptional teacher who has been honored this year as a finalist for the Richard T. Farrell Teacher of Merit Award for his outstanding success in teaching history.

As a teacher at Sequim Middle School, Mr. Beuke has been able to create excitement in the classroom by using creative teaching methods that resonate with his students. Students and teachers alike have praised Mr. Beuke for his supportive teaching style and the comfortable environment he has created in which students can explore history.

Mr. Beuke is an innovator in Washington State education, an inspiration to his students, and a teacher capable of making history lessons relevant and accessible. Mr. Beuke's work extends beyond the classroom as well. He has helped expand the National History Day program throughout Washington State.

The National History Day program is a national education organization that encourages professional development and active student learning. The program provides publications and education programs that help guide teachers in methods to engage students and bring history to life. Washington State teachers and students have benefited from the effort Mr. Beuke has made to share information about the History Day program. The National History Day awards are a valuable way to highlight positive role models in our education system. I am proud Mr. Beuke has been nominated for this award.

I thank Todd Beuke for his work in the classroom and for his commitment to education in my home State. I am sure he will continue to be successful in inspiring students to enjoy the study of history.●

RECOGNIZING BRISTOL, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I wish to recognize Bristol, SD. The town of Bristol will celebrate the 125th anniversary of its founding this year.

Located in Day County, Bristol was founded as a result of railroad expansion and named after the English city of Bristol by district railroad surveyor C.P. Prior. The town is a designated spot on the Yellowstone Trail, which once served as a route for covered wagons heading west. Found in the Glacial Lakes Region of northeastern South Dakota, Bristol offers excellent hunting and fishing opportunities. The town is also home to the Zucchini Festival, an annual summer event with games and activities centered on zucchini.

Bristol has served as home to famous residents throughout its abundant history. One such resident is longtime ''NBC Nightly News'' anchor Tom Brokaw. Mr. Brokaw's great-grandfather, Richard P. Brokaw, was one of the first families to settle in Bristol. He operated the Brokaw House, the first structure built in town. The hotel was built and rebuilt through the years to accommodate people attracted to Day County.

Since its beginning, Bristol has been a strong reflection of South Dakota's values and traditions. As they celebrate this milestone anniversary, I am confident that Bristol will continue to thrive and succeed for the next 125 years.

I would like to offer my congratulations to the citizens of Bristol on their anniversary, and I wish them continued prosperity in the years to come.●

RECOGNIZING AKASKA, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I wish to recognize Akaska, SD. The town of Akaska will celebrate the 100th anniversary of its founding this year.

Since its beginning in 1907, Akaska has been a strong reflection of South Dakota's values and traditions. As they celebrate this milestone anniversary, I am confident that Akaska will continue to thrive and succeed for the next 100 years.

I would like to offer my congratulations to the citizens of Akaska on their anniversary and wish them continued prosperity in the years to come.●

MESSAGE FROM THE PRESIDENT

The following message from the President of the United States was transmitted to the Senate by one of his secretaries:

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO BLOCKING THE PROPERTY OF CERTAIN PERSONS UNDERMINING DEMOCRATIC PROCESSES OR INSTITUTIONS IN BELARUS AS DECLARED IN EXECUTIVE ORDER 13405 OF JUNE 16, 2006—PM 16

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency

and related measures blocking the property of certain persons undermining democratic processes or institutions in Belarus are to continue in effect beyond June 16, 2007.

The actions and policies of certain members of the Government of Belarus and other persons pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. These actions include undermining democratic processes or institutions; committing human rights abuses related to political repression, including detentions and disappearances; and engaging in public corruption, including by diverting or misusing Belarusian public assets or by misusing public authority. For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of certain persons with respect to Belarus.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 14, 2007.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:33 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 676. An act to provide that the Executive Director of the Inter-American Development Bank or the Alternate Executive Director of the Inter-American Development Bank may serve on the Board of Directors of the Inter-American Foundation.

S. 1537. An act to authorize the transfer of certain funds from the Senate Gift Shop Revolving Fund to the Senate Employee Child Care Center.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD)

At 1:06 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2640. An act to improve the National Instant Criminal Background Check System, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 14, 2007, she had presented to the President of the United States the following enrolled bills:

S. 676. An act to provide that the Executive Director of the Inter-American Development Bank or the Alternate Executive Director of the Inter-American Development Bank may serve on the Board of Directors of the Inter-American Foundation.

S. 1537. An act to authorize the transfer of certain funds from the Senate Gift Shop Revolving Fund to the Senate Employee Child Care Center.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2640. An act to improve the National Instant Criminal Background Check System, and for other purposes; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2274. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pine Shoot Beetle; Additions to Quarantined Areas'' (Docket No. APHIS–2006–0169) received on June 12, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2275. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Black Stem Rust; Addition of Rust–Resistant Varieties'' (Docket No. APHIS–2007–0072) received on June 12, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2276. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report for the first quarter of fiscal year 2007 relative to the Joint Improvised Explosive Device Defeat Fund; to the Committee on Armed Services.

EC–2277. A communication from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fastener Quality Act'' (RIN0693–AB57) received on June 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2278. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Vessels Carrying Oil, Noxious Liquid Substances, Garbage, Municipal or Commercial Waste, and Ballast Water; Technical, Organizational, and Conforming Amendment'' ((RIN1625–ZA13)(USCG–2007–38201)) received on June 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2279. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation: ULHRA Hydroplane Races, Howard Amon Park, Richland, Washington'' ((RIN1625–AA00)(CGD13–07–013)) received on June 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2280. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area; Atchafalaya River, Berwick Bay, Berwick Bay, LA'' ((RIN1625–AA11)(CGD08–06–023)) received on June 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2281. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone: Coast Guard Academy Commencement, New London, CT'' ((RIN1625–AA87)(CGD01–07–049)) received on June 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2282. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments'' ((RIN1625–ZA08)(USCG–2006–25150)) received on June 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2283. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Large Passenger Vessel Crew Requirements'' ((RIN1625–AB16)(USCG–2007–27761)) received on June 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2284. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations (including 3 regulations beginning with CGD05–07–020)'' (RIN1625–AA08) received on June 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2285. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones (including 5 regulations beginning with CGD09–07–012)'' (RIN1625–AA00) received on June 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2286. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operations (including 4 regulations beginning with CGD11–07–010)'' (RIN1625–AA09) received on June 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2287. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Designation of Eligible Positions for Purposes of Safe Harbor Valuation Regulations'' (Rev. Proc. 2007–41) received on June 13, 2007; to the Committee on Finance.

EC–2288. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a correction to a previously submitted rule entitled ''United States – Singapore Free Trade Agreement'' (RIN1505–AB48) received on June 12, 2007; to the Committee on Finance.

EC–2289. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to IAEA technical assistance to Iran during calendar year 2006; to the Committee on Foreign Relations.

EC–2290. A communication from the Director, Human Resources Management Office, Federal Trade Commission, transmitting, pursuant to law, a report relative to the implementation of an alternative rating and selection procedure; to the Committee on Homeland Security and Governmental Affairs.

EC–2291. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 105. A resolution designating September 2007 as ''Campus Fire Safety Month''.

S. Res. 215. A resolution designating September 25, 2007, as ''National First Responder Appreciation Day''.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself, Ms. CANTWELL, Mr. OBAMA, Mr. KERRY, Ms. STABENOW, and Mr. SALAZAR):

S. 1617. A bill to amend the Internal Revenue Code of 1986 to provide incentives for plug-in electric drive motor vehicles; to the Committee on Finance.

By Mr. SALAZAR (for himself, Mrs. LINCOLN, Mr. SMITH, Mr. ALLARD, Ms. STABENOW, Ms. CANTWELL, Mr. CRAIG, Mr. WYDEN, Mr. CONRAD, Mr. NELSON of Nebraska, and Mr. KERRY):

S. 1618. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the production of a cellulosic biofuel; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. BENNETT):

S. 1619. A bill to amend the Internal Revenue Code of 1986 to provide a credit for fuel-efficient motor vehicles, and for other purposes; to the Committee on Finance.

By Ms. CANTWELL (for herself and Mr. KERRY):

S. 1620. A bill to provide the Coast Guard and NOAA with additional authorities under the Oil Pollution Act of 1990, to strengthen the Oil Pollution Act of 1990, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CONRAD (for himself, Mr. CRAPO, Mr. HARKIN, Mr. ROBERTS, Mrs. LINCOLN, Mr. BUNNING, and Mr. SALAZAR):

S. 1621. A bill to amend the Internal Revenue Code of 1986 to treat certain farming business machinery and equipment as 5-year property for purposes of depreciation; to the Committee on Finance.

By Ms. SNOWE:

S. 1622. A bill to require the Federal Communications Commission to reevaluate the band plans for the upper 700 megaHertz band and the un-auctioned portions of the lower 700 megaHertz band and reconfigure them to include spectrum to be licensed for small geographic areas; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE (for himself, Mr. NELSON of Nebraska, Ms. SNOWE, Mr. STEVENS, Mr. BUNNING, Mr. CRAPO, Mr. CRAIG, Mr. KYL, Mr. ENSIGN, Mr. COBURN, Mr. SHELBY, Mr. CHAMBLISS, Mrs. HUTCHISON, Mr. VITTER, Mr. SESSIONS, Mr. THUNE, Mr. BOND, Mr. SMITH, Mr. COCHRAN, Mr. BURR, Mrs. DOLE, and Mr. ALLARD):

S. 1623. A bill to require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is not engaged in global taxation schemes; to the Committee on Foreign Relations.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 1624. A bill to amend the Internal Revenue Code of 1986 to provide that the exception from the treatment of publicly traded partnerships as corporations for partnerships with passive-type income shall not apply to partnerships directly or indirectly deriving income from providing investment adviser and related asset management services; to the Committee on Finance.

By Mr. PRYOR (for himself, Mr. NELSON of Florida, and Mrs. BOXER):

S. 1625. A bill to protect against the unauthorized installation of computer software, to require clear disclosure to computer users of certain computer software features that may pose a threat to user privacy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAYH (for himself and Mr. OBAMA):

S. 1626. A bill to amend title XIV of the Social Security Act to ensure funding for grants to promote responsible fatherhood and strengthen low-income families, and for other purposes; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Ms. SNOWE, Ms. LANDRIEU, Mr. LOTT, Mr. SCHUMER, Mr. VITTER, Mr. ROCKEFELLER, Ms. COLLINS, Mrs. CLINTON, and Mr. INHOFE):

S. 1627. A bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. COLEMAN, Mrs. LINCOLN, Mr. NELSON of Nebraska, Mr. KERRY, and Ms. COLLINS):

S. 1628. A bill to amend the Public Health Service Act to authorize programs to increase the number of nurse faculty and to increase the domestic nursing and physical therapy workforce, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PRYOR:

S. 1629. A bill to request a study by the Federal Communications Commission on the interference caused by broadband Internet transmission over power lines; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1630. A bill to amend the Internal Revenue Code of 1986 to exclude certain tax-exempt financing of electric transmission facilities from the private business use test; to the Committee on Finance.

By Mr. KERRY (for himself and Ms. CANTWELL):

S. 1631. A bill to establish an emergency fuel assistance grant program for small businesses during energy emergencies; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 1632. A bill to ensure that vessels of the United States conveyed to eligible recipients for educational, cultural, historical, charitable, recreational, or other public purposes are maintained and utilized for the purposes for which they were conveyed; to the Committee on Commerce, Science, and Transportation.

By Mr. McCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. ALEXANDER, Mr. ALLARD, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Ms. CANTWELL, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CORNYN, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. ENSIGN, Mr. FEINGOLD, Mr. HAGEL, Mr. HARKIN, Mrs. HUTCHISON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. OBAMA, Mr. REID, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. VOINOVICH, Mr. WHITEHOUSE, and Mr. WYDEN):

S.J. Res. 16. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WHITEHOUSE (for himself and Mr. VITTER):

S. Res. 235. A resolution designating July 1, 2007, as ''National Boating Day''; to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. CRAIG, Mr. KENNEDY, Mr. HAGEL, Mr. CRAPO, Mr. NELSON of Nebraska, Mr. CARDIN, Mr. BYRD, Mr. DURBIN, Ms. SNOWE, Mr. ROBERTS, Mr. LOTT, Mr. COLEMAN, Mr. MENENDEZ, and Mr. AKAKA):

S. Res. 236. A resolution supporting the goals and ideals of the National Anthem Project, which has worked to restore America's voice by re-teaching Americans to sing the national anthem; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 156

At the request of Mr. WYDEN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 156, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 163

At the request of Mr. KERRY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 163, a bill to improve the disaster loan program of the Small Business Administration, and for other purposes.

S. 326

At the request of Mrs. LINCOLN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as result of award of disability compensation.

S. 329

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Connecticut

(Mr. LIEBERMAN) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 456

At the request of Mrs. FEINSTEIN, the names of the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Illinois (Mr. DURBIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 456, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 467

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 467, a bill to amend the Public Health Service Act to expand the clinical trials drug data bank.

S. 468

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 468, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug safety, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 545

At the request of Mr. LOTT, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 545, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 573

At the request of Ms. STABENOW, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 576

At the request of Mr. DODD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 576, a bill to provide for the effective prosecution of terrorists and guarantee due process rights.

S. 644

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 644, a bill to amend title 38, United States Code, to recodify as part of that title certain educational assistance programs for members of the reserve components of the Armed Forces, to improve such programs, and for other purposes.

S. 651

At the request of Mr. HARKIN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 651, a bill to help promote the national recommendation of physical activity to kids, families, and communities across the United States.

S. 671

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 671, a bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas.

S. 717

At the request of Mr. AKAKA, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 717, a bill to repeal title II of the REAL ID Act of 2005, to restore section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004, which provides States additional regulatory flexibility and funding authorization to more rapidly produce tamper- and counterfeit-resistant driver's licenses, and to protect privacy and civil liberties by providing interested stakeholders on a negotiated rulemaking with guidance to achieve improved 21st century licenses to improve national security.

S. 739

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 739, a bill to provide disadvantaged children with access to dental services.

S. 777

At the request of Mr. CRAIG, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 777, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 839

At the request of Mr. ROBERTS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 839, a bill to amend the Internal Revenue Code of 1986 to exclude amounts received as a military basic housing allowance from consideration as income for purposes of the low-income housing credit and qualified residential rental projects.

S. 872

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 872, a bill to amend the Internal Revenue Code of 1986 to extend the excise tax provisions and income tax credit for biodiesel.

S. 909

At the request of Mr. BINGAMAN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 909, a bill to amend title XIX of the Social Security Act to permit States, at their option, to require certain individuals to present satisfactory documentary evidence of proof of citizenship or nationality for purposes of eligibility for Medicaid, and for other purposes.

S. 912

At the request of Mr. ROCKEFELLER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 912, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 963

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 963, a bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust.

S. 994

At the request of Mr. TESTER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 994, a bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veterans Affairs, and for other purposes.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1090

At the request of Ms. STABENOW, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1090, a bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1317

At the request of Mr. SCHUMER, the name of the Senator from Washington

(Mrs. MURRAY) was added as a cosponsor of S. 1317, a bill to posthumously award a congressional gold medal to Constance Baker Motley.

S. 1322

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1322, a bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes.

S. 1337

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1337, a bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program.

S. 1376

At the request of Mr. BINGAMAN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1376, a bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net providers.

S. 1386

At the request of Mr. REED, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1386, a bill to amend the Housing and Urban Development Act of 1968, to provide better assistance to low- and moderate-income families, and for other purposes.

S. 1390

At the request of Mrs. CLINTON, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1390, a bill to provide for the issuance of a ''forever stamp'' to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 1415

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1415, a bill to amend the Public Health Service Act and the Social Security Act to improve screening and treatment of cancers, provide for survivorship services, and for other purposes.

S. 1428

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1428, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program.

S. 1457

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1457, a bill to provide for the protection of mail delivery on certain postal routes, and for other purposes.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1512

At the request of Mrs. BOXER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1551

At the request of Mr. BROWN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1551, a bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

S. 1572

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1572, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 1577

At the request of Mr. KOHL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1577, a bill to amend titles XVIII and XIX of the Social Security Act to require screening, including national criminal history background checks, of direct patient access employees of skilled nursing facilities, nursing facilities, and other long-term care facilities and providers, and to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers.

S. 1592

At the request of Mr. BROWN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1592, a bill to reauthorize the Underground Railroad Educational and Cultural Program.

S. 1593

At the request of Mr. BAUCUS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1593, a bill to amend the Internal Revenue Code of 1986 to provide tax relief and protections to military personnel, and for other purposes.

S. RES. 215

At the request of Mr. ALLARD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 215, a resolution designating September 25, 2007, as ''National First Responder Appreciation Day''.

S. RES. 231

At the request of Mrs. FEINSTEIN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 231, a resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means for understanding the past and solving the challenges of the future.

AMENDMENT NO. 1518

At the request of Mr. MENENDEZ, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of amendment No. 1518 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1519

At the request of Mr. KOHL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 1519 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1521

At the request of Mr. BIDEN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 1521 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1524

At the request of Mr. SALAZAR, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of amendment No. 1524 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1547

At the request of Mr. TESTER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 1547 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting

new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1556

At the request of Mrs. LINCOLN, the names of the Senator from Missouri (Mr. BOND), the Senator from North Carolina (Mr. BURR) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of amendment No. 1556 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1557

At the request of Ms. KLOBUCHAR, the names of the Senator from Delaware (Mr. CARPER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 1557 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Ms. CANTWELL, Mr. OBAMA, Mr. KERRY, Ms. STABENOW, and Mr. SALAZAR):

S. 1617. A bill to amend the Internal Revenue Code of 1986 to provide incentives for plug-in electric drive motor vehicles; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise to introduce the Fuel Reduction using Electrons to End Our Dependence on the Mideast Act of 2007, or the FREEDOM Act. Senators MARIA CANTWELL, BARACK OBAMA, and I have been working closely together since the beginning of the year to author this very important legislation. We believe the FREEDOM Act will begin a dramatic shift in the transportation sector away from liquid fuels and toward the greater use of electrons.

For years I worked hard to pass a strong tax incentive package for alternative fuel and hybrid electric vehicles in the form of the CLEAR Act, which was passed into law as part of the Energy Policy Act of 2005. When I first introduced the CLEAR Act, more than 7 years ago, there were only two hybrid vehicles available commercially. Today there are dozens of models of hybrids from which consumers can choose.

Already, the move toward hybrid-electric vehicles has helped to reduce the demand for liquid fuel in this country. It has also set the stage for the next technological step, the plug-in hybrid electric vehicle. This vehicle would have an extra battery pack, recharged from the electricity grid, giving the vehicle all the benefits of a plug-in battery electric vehicle but also the freedom and fuel efficiency of a hybrid electric vehicle once the battery has used up its charge.

With today's advanced plug-in electric and the coming plug-in hybrid electric vehicles, most commuters will be able to make the round trip from home to work and back using very little or no fuel, relying instead on cheap, clean, and abundant electricity.

As you and many of our colleagues know, per mile, electricity can be much cheaper and cleaner than petroleum, and electrons are generated domestically and independent of the global oil market.

It is difficult to overstate the potential the change to plug-in electric vehicles could make in terms of our energy dependence on liquid fuels. R. James Woolsey, who is a member of the National Commission on Energy Policy, testified before the Finance Committee this spring. In his testimony, he cited a Department of Energy study that estimated that adopting plug-in vehicles would not create a need for new base load electricity generation plants until plug-ins constitute over 84 percent of the country's 220 million passenger vehicles. In other words, we already have the power we need to fuel the vast majority of the cars in this country right now, and it exists in the excess capacity of our existing powerplants. Because plug-in vehicles could mostly be charged at night, during the off-peak hours for electric utilities, this technology represents an elegant solution.

In terms of technology and industry focus, the United States is positioned to lead the world into the future with plug-in electric drive motor vehicles. The FREEDOM Act would help our Nation to take up that position by helping to develop the market, the technology, and the domestic production capacity needed to fulfill this role.

The FREEDOM Act's goals would be achieved through four strong tax incentives: First, a tax credit for consumers who purchase plug-in electric or plug-in hybrid electric vehicles; second, for a limited time, a tax credit for consumers who convert their hybrid vehicles to high quality plug-in hybrid vehicles; third, a strong tax incentive for the U.S. manufacture of plug-in vehicles and of major components of plug-in vehicles, such as batteries, electric motors, and electronic controllers; and finally, a tax credit for electric utilities that provide rebates to customers who purchase plug-in electric drive vehicles.

Freedom plug-in credits would cover the consumer purchase of vehicles that use batteries and that plug into the electric grid for at least part of their power. This would include plug-in electrics, plug-in hybrids, and others. The amount of the credit would be based on the kilowatt hours of the vehicle's battery pack, with a cap of $7,500 for passenger vehicles. The same is true for heavier duty vehicles, except that the caps are scaled up for each vehicle weight class.

Freedom conversion credits would go to hybrid-electric vehicle owners who choose to convert their existing hybrid vehicle to a high quality plug-in hybrid electric vehicle. These credits would also be scaled to the kilowatt-hours of the new battery installed in their vehicle. Only high quality conversion kits, which are certified to meet all highway safety and emissions standards would qualify for a freedom conversion credit, and the credits would be available until the market transitions to commercially available plug-in hybrid vehicles.

The FREEDOM Act also offers first-year expensing for companies setting up production capacity in the United States for plug-in electric drive vehicles and for major components of those vehicles.

Finally, in the case that an electric utility in the U.S. chooses to offer rebates to customers who purchase plug-in electric drive vehicles, the FREEDOM Act would reimburse the utility for part of that rebate in the form of a freedom utility credit. The amount of the Government reimbursement would be based on the rate of greenhouse gas emissions for each utility.

I want to emphasize that like the tax credits available under current law for hybrid electric vehicles, the tax incentives in the FREEDOM Act are temporary. They are needed in order to help get these products over the initial stage of production, when they are quite a bit more expensive than older technology vehicles, to the mass production stage, where economies of scale will drive costs down and the credits will no longer be necessary. Consumer acceptance of this exciting new technology is vital, and these credits will make it easier and more economical for consumers to choose vehicles that will move us away from dependence on less clean and more expensive transportation fuel produced by other nations.

The consumer acceptance of the hybrid electric vehicle has already proven a benefit to our Nation's energy security, and the plug-in hybrid will lead to an even more dramatic reduction in fuel use in this country. Years ago, I argued that the technologies developed to make hybrids possible would eventually lead us to a commercially available hydrogen fuel cell vehicle. I stand by that argument, and I believe that by the time plug-in hybrid electric vehicles become mass produced in this country, we will be ready to use hydrogen fuel cells to disconnect these vehicles from the grid and begin a new age in transportation with much greater freedom of movement and freedom from dependence of foreign oil.

Mr. President, I urge my colleagues to throw their full support for the FREEDOM Act.

By Mr. WYDEN (for himself and Mr. BENNETT):

S. 1619. A bill to amend the Internal Revenue Code of 1986 to provide a credit for fuel-efficient motor vehicles, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, today Senator BENNETT and I are reintroducing legislation to provide a significant financial incentive for automakers to produce, and for their customers to buy, more fuel efficient cars and light trucks in the form of consumer tax credits. Reducing our Nation's dependence on oil should not be a partisan issue and Senator BENNETT and I have worked together to come up with a plan that will encourage consumers to buy more energy efficient vehicles even if those vehicles employ technologies, such as electric hybrid drive trains or clean diesels, that cost more to produce.

Under our bipartisan, market-oriented bill, consumers who buy vehicles that are at least 25 percent more fuel efficient than the current corporate fuel economy standards, called CAFE, would get a rebate of at least $630 and as much as $1,860 for the most fuel-efficient cars. We have separate standards for cars and trucks so consumers can choose the type of vehicle they want and still get the credit as long as they choose a fuel-efficient model. Similarly, our bill is technology neutral. We don't provide a credit based on the kind of engine or drive train that a car or truck has. We provide a credit based on the level of fuel economy the vehicle achieves. So, manufacturers are free to pursue whichever efficiency technology they want and consumers have a greater choice of vehicles to purchase.

In the past, the automobile industry has said that increasing fuel economy standards is hard to achieve because car buyers place little value on fuel economy, especially if that fuel efficiency comes with added cost. They also argue that initial purchaser of a new car or truck will not keep that car or truck long enough to recognize the life-cycle fuel savings of a more efficient vehicle. The new program created by our bill directly addresses these concerns by providing tax credits to consumers for purchasing fuel-efficient vehicles.

Providing these credits to purchasers of fuel efficient vehicles will focus consumer attention on fuel efficiency at the time of purchase. For vehicles that qualify, the rebate amount would be printed on the window sticker on new vehicles, so consumers would know exactly how much they would receive at the time they buy a new vehicle.

The consumer would claim that rebate as a tax credit on his or her tax return. Alternatively, the rebate could be transferred to auto dealers, allowing dealers to provide the rebates to consumers as ''cash back'' at the time of purchase.

This legislation builds on the incentives that were provided in the 2005 energy bill specifically for hybrid gasoline/electric, lean-burn and fuel-cell powered cars. We believe the approach that we are advocating will be simpler and fairer. Unlike the 2005 credits, we don't pick specific technologies. Unlike the 2005 credits, we don't limit the amount of the credits to a specific number of vehicles or manufacturer. This approach does not pick winners and losers among competitive technology or companies. It takes a technology-neutral approach that allows any vehicle that has superior fuel efficiency to qualify for a tax credit, whether it uses hybrid or any other technology.

Finally, legislation already passed by the Senate Commerce Committee calls for the U.S. Department of Transportation to begin to increase the fuel efficiency standards of cars beginning in model year 2011. Our tax credit program, which will cover model years 2009, 2010 and 2011, will help bridge the gap between where we are now and implementation of the new fuel economy standards by encouraging consumers to buy those more fuel efficient vehicles earlier while helping manufacturers gear up to produce them.

I urge colleagues to help jumpstart our Nation on the road to oil independence and chart a new direction for our Nation's energy policy by supporting the OILSAVE Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no ojection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1619

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Oil Independence, Limiting Subsidies, and Accelerating Vehicle Efficiency (OILSAVE) Act''.

SEC. 2. TAX CREDIT FOR FUEL-EFFICIENT MOTOR VEHICLES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to other credits) is amended by inserting after section 30C the following new section:

''SEC. 30D. FUEL-EFFICIENT MOTOR VEHICLE CREDIT.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable amount for each new qualified fuel-efficient motor vehicle placed in service by the taxpayer during the taxable year.

''(b) NEW QUALIFIED FUEL-EFFICIENT MOTOR VEHICLE.—For purposes of this section, the term 'new qualified fuel-efficient motor vehicle' means a motor vehicle (as defined under section 30(c)(2))—

''(1) which is a passenger automobile or a light truck,

''(2) which—

''(A) in the case of a passenger automobile, achieves a fuel economy of not less than 34.5 miles per gallon, and

''(B) in the case of a light truck, achieves a fuel economy of not less than 27.5 miles per gallon,

''(3) the original use of which commences with the taxpayer,

''(4) which is acquired for use or lease by the taxpayer and not for resale, and

''(5) which is made by a manufacturer for model year 2009, 2010, or 2011.

''(c) APPLICABLE AMOUNT.—For purposes of this section, the applicable amount shall be determined as follows:

If the motor vehicle achieves a fuel economy of:	In the case of a passenger automobile, the applicable amount is:	In the case of a light truck, the applicable amount is:
27.5 miles per gallon	$0	$630
28.5	0	710
29.5	0	780
30.5	0	850
31.5	0	920
32.5	0	980
33.5	0	1,040
34.5	630	1.090
35.5	700	1,140
36.5	760	1,190
37.5	820	1,240
38.5	880	1,280
39.5	940	1,320

If the motor vehicle achieves a fuel economy of:	In the case of a passenger automobile, the applicable amount is:	In the case of a light truck, the applicable amount is:
40.5	990	1,360
41.5	1,040	1,400
42.5	1,090	1,430
43.5	1,140	1,470
44.5	1,180	1,500
45.5	1,220	1,530
46.5	1,260	1,560
47.5	1,300	1,590
48.5	1,340	1,620
49.5	1,370	1,640
50.5	1,410	1,670
51.5	1,440	1,690
52.5	1,470	1,720
53.5	1,500	1,740
54.5	1,530	1,760
55.5	1,560	1,780
56.5	1,590	1,800
57.5	1,610	1,820
58.5	1,640	1,840
59.5 or more	1,660	1,860

''(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) FUEL ECONOMY.—The term 'fuel economy' has the meaning given such term under section 32901(a)(10) of title 49, United States Code.

''(2) MODEL YEAR.—The term 'model year' has the meaning given such term under section 32901(a)(14) of such title.

''(3) OTHER TERMS.—The terms 'passenger automobile', 'light truck', and 'manufacturer' have the meaning given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act.

''(4) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

''(5) NO DOUBLE BENEFIT.—

''(A) COORDINATION WITH OTHER VEHICLE CREDITS.—No credit shall be allowed under subsection (a) with respect to any new qualified fuel-efficient motor vehicle for any taxable year if a credit is allowed with respect to such motor vehicle for such taxable year under section 30 or 30B.

''(B) OTHER TAX BENEFITS.—The amount of any deduction or credit (other than the credit allowable under this section and any credit described in subparagraph (A)) allowable under this chapter with respect to any new qualified fuel-efficient motor vehicle shall be reduced by the amount of credit allowed under subsection (a) for such motor vehicle for such taxable year.

''(6) PROPERTY USED OUTSIDE THE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

''(7) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects not to have this section apply to such vehicle.

''(8) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Unless otherwise provided in this section, a motor vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with—

''(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the vehicle (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

''(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

''(e) CREDIT MAY BE TRANSFERRED.—

''(1) IN GENERAL.—A taxpayer may, in connection with the purchase of a new qualified fuel-efficient motor vehicle, transfer any credit allowable under subsection (a) to any person who is in the trade or business of selling new qualified fuel-efficient motor vehicles, but only if such person clearly discloses to such taxpayer, through the use of a window sticker attached to the new qualified fuel-efficient vehicle—

''(A) the amount of any credit allowable under subsection (a) with respect to such vehicle, and

''(B) a notification that the taxpayer will not be eligible for any credit under section 30 or 30B with respect to such vehicle unless the taxpayer elects not to have this section apply with respect to such vehicle.

''(2) CONSENT REQUIRED FOR REVOCATION.—Any transfer under paragraph (1) may be revoked only with the consent of the Secretary.

''(3) REGULATIONS.—The Secretary may prescribe such regulations as necessary to ensure that any credit described in paragraph (1) is claimed once and not retransferred by a transferee.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 30D(d)(4).''.

(2) Section 6501(m) of such Code is amended by inserting ''30D(d)(7),'' after ''30C(e)(5),''.

(3) The table of section for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30C the following new item:

''Sec. 30D. Fuel-efficient motor vehicle credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act with respect to model years 2009, 2010, and 2011.

SEC. 3. SENSE OF THE SENATE REGARDING OFFSETTING REVENUES.

It is the sense of the Senate that the cost of the amendments made by section 2 shall be offset by equivalent revenues specified in related legislation.

By Ms. CANTWELL (for herself and Mr. KERRY):

S. 1620. A bill to provide the Coast Guard and NOAA with additional authorities under the Oil Pollution Act of 1990, to strengthen the Oil Pollution Act of 1990, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, I rise today to introduce the Oil Pollution Prevention and Response Act of 2007 with my colleague Senator KERRY, This comprehensive legislation strengthens and builds upon the Oil Pollution Act of 1990, OPA 90. Congress passed OPA 90 shortly after the Exxon Valdez ran aground in 1989, spilling 11 million gallons of crude oil in Alaska's pristine Prince William Sound, the largest spill in U.S, history. OPA 90 revolutionized oilspill risk management and we have OPA 90 to thank or improving oil spill prevention, preparedness, and response.

It is important to recognize that we have come a long way since OPA 90. This is especially true in my home State of Washington. The Coast Guard's District 13 leads the Nation in oilspill prevention and works closely with the State of Washington, tribal governments, and industry.

While we recognize the good work that is already being carried out in Washington and elsewhere, we must also look to continually improve our

ability to prevent and respond to oilspills. While the probability of a major oilspill has been greatly reduced since OPA 90, the potential impact of such a spill is now greater than ever.

According to Coast Guard data, although the number of oilspills from vessels has decreased enormously since passage of OPA 90, the volume of oil spilled nationwide is still significant. In 1992, vessels spilled 665,432 gallons of oil; in 2004, the total was higher, at 722,768 gallons, and a significant numbers of spills are still occurring. In 2004, there were 36 spills from tank ships, 141 spills from barges, and 1,562 spills from other vessels, including cargo ships. Furthermore, even though the number of spills from tankers declined from 193 spills in 1992 to 36 spills in 2004, a single incident from a vessel like the Exxon Valdez can be devastating.

Again, to use examples from Washington State: endangered species like salmon and southern resident orca whales are increasingly vulnerable to the acute and chronic impacts of an oilspill. We have a National Marine Sanctuary off our coast that demands stepped-up protection, and we must take care to hold up our trust obligations to treaty tribes whose usual and accustomed fishing grounds would be devastated by a major spill. This is all to say that we must factor the consequence major spill into our equations for risk. My colleagues from around the country can, I am sure, point to similar examples.

In August of 2005, I chaired a Commerce Committee Subcommittee on Fisheries and Coast Guard field hearing in Seattle. This hearing focused on improving our oil pollution prevention and response capabilities. As a result of testimony from that hearing and conversations with the Coast Guard and other stakeholders, I introduced the Oil Pollution Prevention and Response Act of 2006 last March.

The bill I introduce today, the Oil Pollution Prevention and Response Act of 2007, updates that effort and includes additional provisions.

New provisions include a requirement that the Coast Guard notify States and tribal governments of maritime incidents in Federal waters that have the potential to impact state resources. The bill would also atlthorize the Coast Guard to train and work with qualified State vessel inspectors to bolster their existing ability to inspect vessels in port.

Other new provisions include a requirement for the Coast Guard to promulgate regulations allowing vessel owners to form nonprofit cooperatives to streamline their compliance with vessel response plan requirements. Also new is an authorization for an education and outreach grant program to prevent the frequency of small spills that occur from recreational vessels.

The Oil Pollution Prevention and Response Act of 2007 retains key provisions from last year's bill that address a number of areas to improve prevention and response.

First, my bill directs the Coast Guard to finalize all rulemakings remaining from OPA 90 within 18 months. Remaining OPA 90 rules include the critical salvage and firefighting requirements, which would establish a national network of salvage and response vessels and equipment capable of assisting ships in distress. Implementation of the salvage and firefighting rule has been consistently pushed back, most recently in February of this year. It has been 17 years since the passage of OPA 90 and finalizing these rules in a timely manner will greatly improve our prevention and response capabilities.

Because human error is the leading cause of accidental oilspills, the Coast Guard would be required to identify and pass regulations to address the most frequent sources of human error that have led to oilspills from vessels as well as ''near-misses.'' It would require the Coast Guard to ensure the safety of single hull tankers and other high-risk vessels by increasing inspections of such vessels. My bill would require the Coast Guard to address and reduce the increased risk of oilspills from oil transfers. It would also make companies that knowingly hire substandard single-hull tank vessels after 2010 ''responsible parties'' in order to provide a disincentive for such contracts.

Of particular importance to my State, the bill would provide a mechanism for year-round funding of the Neah Bay response tug, a key element of the oilspill prevention safety net for Washington State's Olympic coast. It would also increase oil spill preparedness in the Strait of Juan de Fuca by changing the definition of ''High Volume Port'' for Puget Sound to make westerly boundary begin at the entrance to the strait. This change would require oilspill response equipment to be stationed along the entire strait and not just east of the current line at Port Angeles. In addition, the Oil Pollution Prevention and Response Act of 2007 would require improved coordination with federally recognized tribes on oilspill prevention, preparedness, and response.

The bill would codify into federal law the establishment of the oilspill Advisory Council, which was created by the Washington State Legislature and Governor Gregoire in the wake of the October 2004 Dalco Passage Oilspill, and provide $1 million annually to support the council's important work. Finally, this bill would reiterate an OPA 90 directive for the Coast Guard and Department of State to enter into negotiations with Canada to ensure tug escorts for all tank ships with a capacity greater than 40,000 dead weight tons in the Strait of Juan de Fuca, Strait of Georgia, and Haro Strait.

The slow response to the oilspill in Daleo Passage in the Puget Sound was largely attributed to difficulties with detecting the oil that was spilled. The Oil Pollution Prevention and Response Act of 2007 would reinvigorate a Federal research program on oilspill prevention, detection, and response, and would establish a grant program for the development of cost-effective technologies for detecting discharges of oil from vessels, including infrared, pressure sensors, and remote sensing. It would also require the Secretary of Homeland Security, in conjunction with other Federal agencies, to conduct an analysis of the condition and safety of all aspects of oil transportation in the United States, and provide recommendations to improve such safety. This was a specific recommendation of the U.S. Commission on Ocean Policy.

The Department of Justice has also noted that a major category of oilspills are intentional discharges of oil from vessels. The United States cannot address this problem alone. Thus, the bill would require the Coast Guard to pursue stronger enforcement measures for oil discharges in the International Maritime Organization and other appropriate international organizations.

Oilspill prevention and response is timely for Congress to consider because waterborne transportation of oil in the United States continues to increase, significant volumes of oil continue to be released, and the potential for a major spill remains unacceptably high. Recent spills involving significant quantities of oil have occurred off the coasts of Alaska, Maine, Massachusetts, Oregon, Virginia, Hawaii, and Washington, and involved barges, tankers, nontank vessels, and oil transfer operations.

One thing we have learned from these spills is that prevention is more cost-effective than cleaning up oil once it is released into the environment. We have also learned that although double hulls and redundant steering do increase tanker safety, these technologies are not a panacea and we need to do more to ensure against oilspills.

The Federal Government has a responsibility to protect the Nation's natural resources, public health, and environment by improving Federal measures to prevent and respond to oilspills. I urge my colleagues to consider this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no ojection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Oil Pollution Prevention and Response Act of 2007''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. FINDINGS.

The Congress finds the following:

(1) Oil released into the Nation's marine waters can cause substantial, and in some cases irreparable, harm to the marine environment.

(2) The economic impact of oil spills is substantial. Billions of dollars have been spent in the United States for cleanup of, and damages due to, oil spills; while many social, cultural, economic, and environmental damages remain uncompensated.

(3) The Oil Pollution Act of 1990, enacted in response to the worst vessel oil spill in United States history, substantially reduced the amount of oil spills from vessels. However, significant volumes of oil continue to be released, and the potential for a major spill remains unacceptably high.

(4) Although the total number of oil spills from vessels has decreased since passage of the Oil Pollution Act of 1990, more oil was spilled in 2004 from vessels nationwide than was spilled from vessels in 1992.

(5) Waterborne transportation of oil in the United States continues to increase.

(6) Although the number of oil spills from tankers declined from 193 in 1992 to 36 in 2004, spills from oil tankers tend to be large with devastating impacts.

(7) While the number of oil spills from tank barges has declined since 1992 (322 spills to 141 spills in 2004), the volume of oil spilled from tank barges has remained constant at approximately 200,000 gallons spilled each year.

(8) Oil spills from non-tank vessels averaged between 125,000 gallons and 400,000 gallons per year from 1992 through 2004 and accounted for over half of the total number of spills from all sources, including vessels and non-vessel sources.

(9) Recent spills involving significant quantities of oil have occurred off the coasts of Alaska, Maine, Massachusetts, Oregon, Virginia, and Washington, and involved barges, tank vessels, and non-tank vessels. The value of waterfront property, sport, commercial and tribal treaty fisheries, recreation, tourism, and threatened and endangered species continue to increase.

(10) It is more cost-effective to prevent oil spills than it is to clean-up oil once it is released into the environment.

(11) Of the 20 major vessel oil spill incidents since 1990 where liability limits have been exceeded, 10 involved tank barges, 8 involved non-tank vessels, 2 involved tankers, and only 1 involved a vessel that was double-hulled.

(12) Although recent technological improvements in oil tanker design, such as double hulls and redundant steering, increase tanker safety, these technologies are not a panacea and cannot ensure against oil spills, the leading cause of which is human error.

(13) The Federal government has a responsibility to protect the Nation's natural resources, public health, and environment by improving Federal measures to prevent and respond to oil spills.

(14) Environmentally fragile coastal areas are vitally important to local economies and the way of life in coastal States and federally recognized tribal governments. These areas are particularly vulnerable to the threat of oil spills. Coastal waters contribute approximately 75 percent of all commercial shellfish and finfish catches, and over 81 percent of all recreational fishing catches in the United States, outside of Alaska and Hawaii.

(15) The northern coast of Washington State and entrance to Puget Sound is the principal corridor conveying Pacific Rim commerce into the State, to Canada's largest port, and to the United States' third largest naval complex. The area contains a National Marine Sanctuary, a National Park, and many National Wildlife Refuges contiguous with marine waters.

(16) State, local, and tribal governments have important human resources and spill response capabilities which can contribute to response efforts in the event of a significant oil spill. State, local, and tribal governments may have unique local knowledge of natural resources which can improve the quality of spill response. For these reasons, State, local and tribal governments need appropriate information to have knowledge of spills, as well as incidents and activities that may result in a spill, which can impact State waters.

SEC. 4. DEFINITIONS.

In this Act:

(1) AREA TO BE AVOIDED.—The term ''area to be avoided'' means a routing measure established by the International Maritime Organization as an area to be avoided.

(2) COASTAL STATE.—The term ''coastal State'' has the meaning given that term by section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4)).

(3) COMMANDANT.—The term ''Commandant'' means the Commandant of the Coast Guard.

(4) NON-TANK VESSEL.—The term ''non-tank vessel'' means a self-propelled vessel other than a tank vessel.

(5) OIL.—The term ''oil'' has the meaning given that term by section 1001(23) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(23)).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating except where otherwise explicitly stated.

(7) TANK VESSEL.—The term ''tank vessel'' has the meaning given that term by section 1001(34) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(34)).

(8) WATERS SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—The term ''waters subject to the jurisdiction of the United States'' means navigable waters (as defined in section 1001(21) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(21)) as well as—

(A) the territorial sea of the United States as defined in Presidential Proclamation Number 5928 of December 27, 1988; and

(B) the Exclusive Economic Zone of the United States established by Presidential Proclamation Number 5030 of March 10, 1983.

(9) OTHER TERMS.—The terms ''facility'', ''gross ton'', ''exclusive economic zone'', ''incident'', ''oil'', ''tank vessel'', ''territorial seas'', and ''vessel'' have the meaning given those terms in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701).

TITLE I—PREVENTION OF OIL SPILLS

Subtitle A—Coast Guard Provisions

SEC. 101. RULEMAKINGS.

(a) STATUS REPORT.—

(1) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of all Coast Guard rulemakings required (but for which no final rule has been issued as of the date of enactment of this Act)—

(A) under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.); and

(B) for—

(i) automatic identification systems required under section 70114 of title 46, United States Code; and

(ii) inspection requirements for towing vessels required under section 3306(j) of that title.

(2) INFORMATION REQUIRED.—The Secretary shall include in the report required by paragraph (1)—

(A) a detailed explanation with respect to each such rulemaking as to—

(i) what steps have been completed;

(ii) what areas remain to be addressed; and

(iii) the cause of any delays; and

(B) the date by which a final rule may reasonably be expected to be issued.

(b) FINAL RULES.—The Secretary shall issue a final rule in each pending rulemaking under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) as soon as practicable, but in no event later than 18 months after the date of enactment of this Act.

SEC. 102. OIL SPILL RESPONSE CAPABILITY.

(a) SAFETY STANDARDS FOR TOWING VESSELS.—In promulgating regulations for towing vessels under chapter 33 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating shall—

(1) give priority to completing such regulations for towing operations involving tank vessels; and

(2) consider the possible application of standards that, as of the date of enactment

of this Act, apply to self-propelled tank vessels, and any modifications that may be necessary for application to towing vessels due to ship design, safety, and other relevant factors.

(b) REDUCTION OF OIL SPILL RISK IN BUZZARDS BAY.—No later than January 1, 2008, the Secretary of the department in which the Coast Guard is operating shall promulgate a final rule for Buzzards Bay, Massachusetts, pursuant to the notice of proposed rulemaking published on March 29, 2006, (71 Fed. Reg. 15649), after taking into consideration public comments submitted pursuant to that notice, to adopt measures to reduce the risk of oil spills in Buzzards Bay, Massachusetts.

(c) REPORTING.—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the extent to which tank vessels in Buzzards Bay, Massachusetts, are using routes recommended by the Coast Guard.

SEC. 103. INSPECTIONS BY COAST GUARD.

(a) IN GENERAL.—The Secretary shall ensure that the inspection schedule for all United States and foreign-flag tank vessels that enter a United States port or place increases the frequency and comprehensiveness of Coast Guard safety inspections based on such factors as vessel age, hull configuration, past violations of any applicable discharge and safety regulations under United States and international law, indications that the class societies inspecting such vessels may be substandard, and other factors relevant to the potential risk of an oil spill.

(b) ENHANCED VERIFICATION OF STRUCTURAL CONDITION.—The Coast Guard shall adopt, as part of its inspection requirements for tank vessels, additional procedures for enhancing the verification of the reported structural condition of such vessels, taking into account the Condition Assessment Scheme adopted by the International Maritime Organization by Resolution 94(46) on April 27, 2001.

SEC. 104. OIL TRANSFERS FROM VESSELS.

(a) REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations to reduce the risks of oil spills in operations involving the transfer of oil from or to a tank vessel. The regulations—

(1) shall focus on operations that have the highest risks of discharge, including operations at night and in inclement weather; and

(2) shall consider—

(A) requirements for use of equipment, such as putting booms in place for transfers;

(B) operational procedures such as manning standards, communications protocols, and restrictions on operations in high-risk areas; or

(C) both such requirements and operational procedures.

(b) APPLICATION WITH STATE LAWS.—The regulations promulgated under subsection (a) do not preclude the enforcement of any State law or regulation the requirements of which are at least as stringent as requirements under the regulations (as determined by the Secretary) that—

(1) applies in State waters;

(2) does not conflict with, or interfere with the enforcement of, requirements and operational procedures under the regulations; and

(3) has been enacted or promulgated before the date of enactment of this Act.

SEC. 105. IMPROVEMENTS TO REDUCE HUMAN ERROR AND NEAR-MISS INCIDENTS.

(a) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, and the House of Representatives Committee on Transportation and Infrastructure that, using available data—

(1) identifies the types of human errors that, combined, account for over 50 percent of all oil spills involving vessels that have been caused by human error in the past 10 years;

(2) identifies the most frequent types of near-miss oil spill incidents involving vessels such as collisions, groundings, and loss of propulsion in the past 10 years;

(3) describes the extent to which there are gaps in the data with respect to the information required under paragraphs (1) and (2) and explains the reason for those gaps; and

(4) includes recommendations by the Secretary to address the identified types of errors and incidents and to address any such gaps in the data.

(b) MEASURES.—Based on the findings contained in the report required by subsection (a), the Secretary shall take appropriate action, both domestically and at the International Maritime Organization, to reduce the risk of oil spills from human errors.

SEC. 106. NAVIGATIONAL MEASURES FOR PROTECTION OF NATURAL RESOURCES.

(a) DESIGNATION OF AT-RISK AREAS.—The Secretary and the Under Secretary of Commerce for Oceans and Atmosphere shall jointly identify areas where routing or other navigational measures are warranted in waters subject to the jurisdiction of the United States to reduce the risk of oil spills and potential damage to natural resources. In identifying those areas, the Secretary and the Under Secretary shall give priority consideration to natural resources of particular ecological importance or economic importance, including commercial fisheries, aquaculture facilities, marine sanctuaries designated by the Secretary of Commerce pursuant to the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.), estuaries of national significance designated under section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1330), critical habitats (as defined in section 3(5) of the Endangered Species Act of 1973 (16 U.S.C. 1532(5)), estuarine research reserves within the National Estuarine Research Reserve System established by section 315 of the Coastal Zone Management Act of 1972, and national parks and national seashores administered by the National Park Service under the National Park Service Organic Act (16 U.S.C. 1 et seq.).

(b) FACTORS CONSIDERED.—In determining whether navigational measures are warranted, the Secretary and the Under Secretary shall consider, at a minimum—

(1) the frequency of transits of vessels required to prepare a response plan under section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j));

(2) the type and quantity of oil transported as cargo or fuel;

(3) the expected benefits of routing measures in reducing risks of spills;

(4) the costs of such measures;

(5) the safety implications of such measures; and

(6) the nature and value of the resources to be protected by such measures.

(c) ESTABLISHMENT OF ROUTING AND OTHER NAVIGATIONAL MEASURES.—The Secretary shall establish such routing or other navigational measures for areas identified under subsection (a).

(d) ESTABLISHMENT OF AVOIDANCE AREAS.—To the extent that the Secretary and the Under Secretary conclude that the establishment of areas to be avoided is warranted under this section, they shall seek to establish such areas through the International Maritime Organization or establish comparable areas pursuant to regulations and in a manner that is consistent with international law.

(e) OIL SHIPMENT DATA AND REPORT.—

(1) DATA COLLECTION.—The Secretary, through the Commandant and in consultation with the Army Corps of Engineers, shall analyze data on oil transported as cargo on vessels in the navigable waters of the United States, including information on—

(A) the quantity and type of oil being transported;

(B) the vessels used for such transportation;

(C) the frequency with which each type of oil is being transported; and

(D) the point of origin, transit route, and destination of each such shipment of oil.

(2) REPORT.—The Secretary shall transmit a report, not less frequently than quarterly, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, on the data collected and analyzed under paragraph (1) in a format that does not disclose information exempted from disclosure under section 552b(e) of title 5, United States Code.

SEC. 107. OLYMPIC COAST NATIONAL MARINE SANCTUARY.

(a) OLYMPIC COAST NATIONAL MARINE SANCTUARY AREA TO BE AVOIDED.—The Secretary and the Under Secretary of Commerce for Oceans and Atmosphere shall revise the area to be avoided off the coast of the State of Washington so that restrictions apply to all vessels required to prepare a response plan under section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) (other than fishing or research vessels while engaged in fishing or research within the area to be avoided).

(b) EMERGENCY OIL SPILL DRILL.—

(1) IN GENERAL.—In cooperation with the Secretary, the Under Secretary of Commerce for Oceans and Atmosphere shall conduct a Safe Seas oil spill drill in the Olympic Coast National Marine Sanctuary in fiscal year 2008. The Secretary and the Under Secretary of Commerce for Oceans and Atmosphere jointly shall coordinate with other Federal agencies, State, local, and tribal governmental entities, and other appropriate entities, in conducting this drill.

(2) OTHER REQUIRED DRILLS.—Nothing in this subsection supersedes any Coast Guard requirement for conducting emergency oil spill drills in the Olympic Coast National Marine Sanctuary. The Secretary shall consider conducting regular field exercises, such as National Preparedness for Response Exercise Program (PREP) in other national marine sanctuaries as well as areas identified in section 106(a) of this bill.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary of Commerce for Oceans and Atmosphere for fiscal year 2008 $700,000 to carry out this subsection.

SEC. 108. HIGHER VOLUME PORT AREA REGULATORY DEFINITION CHANGE.

(a) IN GENERAL.—Within 30 days after the date of enactment of this Act, notwithstanding subchapter 5 of title 5, United States Code, the Commandant shall modify the definition of the term ''higher volume port area'' in section 155.1020 of the Coast Guard regulations (33 C.F.R. 155.1020) by striking ''Port Angeles, WA'' in paragraph (13) of that section and inserting ''Cape Flattery, WA'' without initiating a rulemaking proceeding.

(b) EMERGENCY RESPONSE PLAN REVIEWS.—Within 5 years after the date of enactment of this Act, the Coast Guard shall complete its review of any changes to emergency response

plans pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) resulting from the modification of the higher volume port area definition required by subsection (a).

SEC. 109. PREVENTION OF SMALL OIL SPILLS.

(a) IN GENERAL.—The Under Secretary of Commerce for Oceans and Atmosphere, in consultation with other appropriate agencies, shall establish an oil spill prevention and education program for small vessels. The program shall provide for assessment, outreach, and training and voluntary compliance activities to prevent and improve the effective response to oil spills from vessels and facilities not required to prepare a vessel response plan under the Federal Water Pollution Control Act, including recreational vessels, commercial fishing vessels, marinas, and aquaculture facilities. The Under Secretary may provide grants to sea grant colleges and institutes designated under section 207 of the National Sea Grant College Program Act (33 U.S.C. 1126) and to State agencies, tribal governments, and other appropriate entities to carry out—

(1) regional assessments to quantify the source, incidence and volume of small oil spills, focusing initially on regions in the country where, in the past 10 years, the incidence of such spills is estimated to be the highest;

(2) voluntary, incentive-based clean marina programs that encourage marina operators, recreational boaters and small commercial vessel operators to engage in environmentally sound operating and maintenance procedures and best management practices to prevent or reduce pollution from oil spills and other sources;

(3) cooperative oil spill prevention education programs that promote public understanding of the impacts of spilled oil and provide useful information and techniques to minimize pollution including methods to remove oil and reduce oil contamination of bilge water, prevent accidental spills during maintenance and refueling and properly cleanup and dispose of oil and hazardous substances; and

(4) support for programs, including outreach and education to address derelict vessels and the threat of such vessels sinking and discharging oil and other hazardous substances, including outreach and education to involve efforts to the owners of such vessels.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary of Commerce for Oceans and Atmosphere to carry out this section, $10,000,000 annually for each of fiscal years 2008 through 2012.

SEC. 110. IMPROVED COORDINATION WITH TRIBAL GOVERNMENTS.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Secretary shall complete the development of a tribal consultation policy, which recognizes and protects to the maximum extent practicable tribal treaty rights and trust assets in order to improve the Coast Guard's consultation and coordination with the tribal governments of federally recognized Indian tribes with respect to oil spill prevention, preparedness, response and natural resource damage assessment.

(b) NATIONAL PLANNING.—The Secretary shall assist tribal governments to participate in the development and capacity to implement the National Contingency Plan and local Area Contingency Plans to the extent they affect tribal lands, cultural and natural resources. The Secretary shall ensure that in regions where oil spills are likely to have an impact on natural or cultural resources owned or utilized by a federally recognized Indian tribe, the Coast Guard will—

(1) ensure that representatives of the tribal government of the potentially affected tribes are included as part of the regional response team cochaired by the Coast Guard and the Environmental Protection Agency to establish policies for responding to oil spills; and

(2) provide training of tribal incident commanders and spill responders.

(c) INCLUSION OF TRIBAL GOVERNMENT.—The Secretary shall ensure that, as soon as practicable after identifying an oil spill that is likely to have an impact on natural or cultural resources owned or utilized by a federally recognized Indian tribe, the Coast Guard will—

(1) ensure that representatives of the tribal government of the affected tribes are included as part of the incident command system established by the Coast Guard to respond to the spill;

(2) share information about the oil spill with the tribal government of the affected tribe; and

(3) to the extent practicable, involve tribal governments in deciding how to respond to such spill.

(d) COOPERATIVE ARRANGEMENTS.—The Coast Guard may enter into memoranda of agreement and associated protocols with Indian tribal governments in order to establish cooperative arrangements for oil pollution prevention, preparedness, and response. Such memoranda may be entered into prior to the development of the tribal consultation and coordination policy to provide Indian tribes grant and contract assistance and may include training for preparedness and response and provisions on coordination in the event of a spill. As part of these memoranda of agreement, the Secretary may carry out demonstration projects to assist tribal governments in building the capacity to protect tribal treaty rights and trust assets from oil spills to the maximum extent possible.

(e) FUNDING FOR TRIBAL PARTICIPATION.—Subject to the availability of appropriations, the Commandant of the Coast Guard shall provide assistance to participating tribal governments in order to facilitate the implementation of cooperative arrangements under subsection (d) and ensure the participation of tribal governments in such arrangements. There are authorized to be appropriated to the Commandant $500,000 for each of fiscal years 2008 through 2012 to be used to carry out this section.

SEC. 111. OIL SPILL ADVISORY COUNCIL.

Section 5002(k) of the Oil Pollution Act of 1990 (33 U.S.C. 2732(k)) is amended by adding at the end the following:

''(4) WASHINGTON STATE PROGRAM.—

''(A) IN GENERAL.—For purposes of this paragraph, the oil spill advisory council established by section 90.56.120 of title 90 of the Revised Code of Washington is deemed to be an advisory council established under this section. The provisions of this section, other than this paragraph, do not apply to that oil spill advisory council.

''(B) FUNDING.—The owners or operators of terminal facilities or crude oil tankers operating in Washington State waters shall provide, on an annual basis, an aggregate amount of not more than $1,000,000, as determined by the Secretary. Such amount—

''(i) shall be made available to the oil spill advisory council established by section 90.56.120 of title 90 of the Revised Code of Washington;

''(ii) shall be adjusted annually by the Consumer Price Index; and

''(iii) may be adjusted periodically upon the mutual consent of the owners or operators of terminal facilities or crude oil tankers operating in Washington State waters and the Council.''.

SEC. 112. NOTIFICATION REQUIREMENTS.

(a) MARINE CASUALTIES.—Section 6101 of title 46, United States Code, is amended by adding at the end the following:

''(j) NOTICE TO STATES AND TRIBAL GOVERNMENTS.—Within 1 hour after receiving a report under this section, the Secretary shall forward the report to each State and federally recognized Indian tribal government that has jurisdiction concurrent with the United States or adjacent to waters in which the casualty occurred. Each State shall identify for the Secretary the agency to which such reports shall be forwarded and shall be responsible for forwarding appropriate information to local and tribal governments within its jurisdiction.''.

(b) STATE-REQUIRED NOTICE OF BULK OIL TRANSFERS.—Notwithstanding any other provision of law, a coastal State may, by law, require a person to provide notice of 24 hours or more to the State and to the United States Coast Guard before transferring oil in bulk in an amount equivalent to 250 barrels or more to, from, or within a vessel in State waters. The Commandant may assist coastal States in developing appropriate methodologies for joint Federal and State notification of any such transfers to minimize any potential burden to vessels.

SEC. 113. COOPERATIVE STATE INSPECTION AUTHORITY.

(a) IN GENERAL.—The Secretary is authorized to execute a joint enforcement agreement with the Governor of a coastal state that meets the requirements of subsection (b) under which—

(1) State law enforcement officers with marine law enforcement responsibilities may be authorized to perform duties of the Secretary relating to law enforcement provisions under this title or any other marine resource law enforced by the Secretary; and

(2) State inspectors are authorized to conduct inspections of United States and foreign-flag vessels in United States ports under the supervision of the Coast Guard and report and refer any documented deficiencies or violations to the Coast Guard for action.

(b) STATE QUALIFICATIONS.—To be eligible to participate in a joint enforcement agreement under subsection (a), a coastal state shall—

(1) submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require; and

(2) demonstrate to the satisfaction of the Secretary that—

(A) its State inspectors possess, or qualify for, a merchant mariner officer or engineer license for at least a 1600 gross-ton vessel under subchapter B of title 46, Code of Federal Regulations;

(B) it has established support for its inspection program to track, schedule, and monitor shipping traffic within its waters; and

(C) it has a funding mechanism to maintain an inspection program for at least 5 years.

(c) TECHNICAL SUPPORT AND TRAINING.—The Secretary may provide technical support and training for State inspectors who participate in a joint enforcement agreement under this section.

SEC. 114. TUG ESCORTS FOR LADEN OIL TANKERS.

Within 1 year after the date of enactment of this Act, the Secretary of State, in consultation with the Commandant, shall enter into negotiations with the Government of Canada to ensure that tugboat escorts are required for all tank ships with a capacity over 40,000 deadweight tons in the Strait of Juan de Fuca, Strait of Georgia, and in Haro Strait. The Commandant shall consult with

the State of Washington and affected tribal governments during negotiations with the Government of Canada.

SEC. 115. TANK AND NON-TANK VESSEL RESPONSE PLANS.

Within 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations authorizing owners and operators of tank and non-tank vessel to form non-profit cooperatives for the purpose of complying with section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)).

SEC. 116. REPORT ON THE AVAILABILITY OF TECHNOLOGY TO DETECT THE LOSS OF OIL.

Within 1 year after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on the availability, feasibility, and potential cost of technology to detect the loss of oil carried as cargo or as fuel on tank and non-tank vessels greater than 400 gross tons.

Subtitle B—National Oceanic and Atmospheric Administration Provisions

SEC. 151. HYDROGRAPHIC SURVEYS.

(a) REDUCTION OF BACKLOG.—The Under Secretary of Commerce for Oceans and Atmosphere shall continue survey operations to reduce the survey backlog in navigationally significant waters outlined in its National Survey Plan, concentrating on areas where oil and other hazardous materials are transported.

(b) NEW SURVEYS.—By no later than January 1, 2010, the Under Secretary shall complete new surveys, together with necessary data processing, analysis, and dissemination, for all areas in United States coastal areas determined by the Under Secretary to be critical areas.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary for the purpose of carrying out the new surveys required by subsection (b) such sums as may be necessary for each of fiscal years 2008 through 2012.

SEC. 152. ELECTRONIC NAVIGATIONAL CHARTS.

(a) IN GENERAL.—By no later than September 1, 2008, the Under Secretary of Commerce for Oceans and Atmosphere shall complete the electronic navigation chart suite for all coastal waters of the United States.

(b) PRIORITIES.—In completing the suite, the Under Secretary shall give priority to producing and maintaining the electronic navigation charts of the entrances to major ports and the coastal transportation routes for oil and hazardous materials, and for estuaries of national significance designated under section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary for the purpose of completing the electronic navigation chart suite $6,200,000 for fiscal years 2008 and 2009.

TITLE II—RESPONSE

SEC. 201. RAPID RESPONSE SYSTEM.

The Under Secretary of Commerce for Oceans and Atmosphere shall develop and implement a rapid response system to collect and predict in situ information about oil spill behavior, trajectory and impacts, and a mechanism to provide such information rapidly to Federal, State, tribal, and other entities involved in a response to an oil spill.

SEC. 202. COAST GUARD OIL SPILL DATABASE.

The Secretary shall modify the Coast Guard's oil spill database as necessary to ensure that it—

(1) includes information on the cause of oil spills maintained in the database;

(2) is capable of facilitating the analysis of trends and the comparison of accidents involving oil spills; and

(3) makes the data available to the public.

SEC. 203. USE OF OIL SPILL LIABILITY TRUST FUND.

(a) IN GENERAL.—Section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following:

''(B) not more than $15,000,000 in each fiscal year shall be available to the Under Secretary of Commerce for Oceans and Atmosphere for expenses incurred by, and activities related to, response and damage assessment capabilities of the National Oceanic and Atmospheric Administration;''.

(b) USE OF FUND IN NATIONAL EMERGENCIES.—Notwithstanding any provision of the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) to the contrary, no amount may be made available from the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 for claims described in section 1012(a)(4) of that Act (33 U.S.C. 2712(a)(4)) attributable to any national emergency or major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 204. EXTENSION OF FINANCIAL RESPONSIBILITY.

Section 1016(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2716(a)) is amended—

(1) by striking ''or'' after the semicolon in paragraph (1);

(2) by inserting ''or'' after the semicolon in paragraph (2); and

(3) by inserting after paragraph (2) the following:

''(3) any tank vessel over 100 gross tons (except a non-self-propelled vessel that does not carry oil as cargo) using any place subject to the jurisdiction of the United States;''.

SEC. 205. LIABILITY FOR USE OF UNSAFE SINGLE-HULL VESSELS.

Section 1001(32) of the Oil Pollution Act of 1990 (33 U.S.C. 2702(d)) is amended by striking subparagraph (A) and inserting the following:

''(A) VESSELS.—In the case of a vessel—

''(i) any person owning, operating, or demise chartering the vessel; and

''(ii) the owner of oil being transported in a tank vessel with a single hull after December 31, 2010, if the owner of the oil knew, or should have known, from publicly available information that the vessel had a poor safety or operational record.''.

SEC. 206. RESPONSE TUGS.

(a) IN GENERAL.—Paragraph (5) of section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) is amended by adding at the end the following:

''(J) RESPONSE TUG.—

''(i) IN GENERAL.—The Secretary shall require the stationing of a year round response tug of a minimum of 70-tons bollard pull in the entry to the Strait of Juan de Fuca at Neah Bay capable of providing rapid assistance and towing capability to disabled vessels during severe weather conditions.

''(ii) SHARED RESOURCES.—The Secretary may authorize compliance with the response tug stationing requirement of clause (i) through joint or shared resources between or among entities to which this subsection applies.

''(iii) EXISTING STATE AUTHORITY NOT AFFECTED.—Nothing in this subparagraph supersedes or interferes with any existing authority of a State with respect to the stationing of rescue tugs in any area under State law or regulations.

''(iv) ADMINISTRATION.—In carrying out this subparagraph, the Secretary—

''(I) shall require the vessel response plan holders to negotiate and adopt a cost-sharing formula and a schedule for carrying out this subparagraph by no later than June 1, 2008;

''(II) shall establish a cost-sharing formula and a schedule for carrying out this subparagraph by no later than July 1, 2008 (without regard to the requirements of chapter 5 of title 5, United States Code) if the vessel response plan holders fail to adopt the cost-sharing formula and schedule required by subclause (I) of this clause by June 1, 2008; and

''(III) shall implement clauses (i) and (ii) of this subparagraph by June 1, 2008, without a rulemaking and without regard to the requirements of chapter 5 of title 5, United States Code.

''(v) LONG TERM TUG CAPABILITIES.—Within 6 months after implementing clauses (i) and (ii), and section 110 of the Oil Pollution Prevention and Response Act of 2007, the Secretary shall execute a contract with the National Academy of Sciences to conduct a study of regional response tug and salvage needs for Washington's Olympic coast. In developing the scope of the study, the National Academy of Sciences shall consult with Federal, State, and Tribal trustees as well as relevant stakeholders. The study—

''(I) shall define the needed capabilities, equipment, and facilities for a response tug in the entry to the Strait of Juan de Fuca at Neah Bay in order to optimize oil spill protection on Washington's Olympic coast, provide rescue towing services, oil spill response, and salvage and fire-fighting capabilities;

'''(II) shall analyze the tug's multi-mission capabilities as well as its ability to utilize cached salvage, oil spill response, and oil storage equipment while responding to a spill or a vessel in distress and make recommendations as to the placement of this equipment;

''(III) shall address scenarios that consider all vessel types and weather conditions and compare current Neah Bay tug capabilities, costs, and benefits with other United States industry funded response tugs, including those currently operating in Alaska's Prince William Sound;

''(IV) shall determine whether the current level of protection afforded by the Neah Bay response tug and associated response equipment is comparable to protection in other locations where response tugs operate, including Prince William Sound, and if it is not comparable, shall make recommendations as to how capabilities, equipment, and facilities should be modified to achieve optimum protection.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal year 2008 such sums as necessary to carry out section 311(j)(5)(J)(v) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(5)(J)(v)).

SEC. 207. INTERNATIONAL EFFORTS ON ENFORCEMENT.

The Secretary, in consultation with the heads of other appropriate Federal agencies, shall ensure that the Coast Guard pursues stronger enforcement in the International Maritime Organization of agreements related to oil discharges, including joint enforcement operations, training, and stronger compliance mechanisms.

SEC. 208. INVESTMENT OF AMOUNTS IN DAMAGE ASSESSMENT AND RESTORATION REVOLVING FUND.

The Secretary of the Treasury shall invest such portion of the damage assessment and restoration revolving fund described in title I of the Departments of Commerce, Justice,

and State, the Judiciary, and Related Agencies Appropriations Act, 1991 (33 U.S.C. 2706 note) as is not, in the Secretary's judgment, required to meet current withdrawals in interest-bearing obligations of the United States in accordance with section 9602 of the Internal Revenue Code of 1986.

TITLE III—RESEARCH AND MISCELLANEOUS REPORTS

SEC. 301. FEDERAL OIL SPILL RESEARCH COMMITTEE.

(a) ESTABLISHMENT.—There is established a committee to be known as the Federal Oil Spill Research Committee.

(b) MEMBERSHIP.—The members of the Committee shall be designated by the Under Secretary of Commerce for Oceans and Atmosphere and shall include representatives from the National Oceanic and Atmospheric Administration, the United States Coast Guard, the Environmental Protection Agency, and such other Federal agencies as the President may designate. A representative of the National Oceanic and Atmospheric Administration, designated by the Under Secretary, shall serve as Chairman.

(c) DUTIES.—The Committee shall coordinate a comprehensive program of oil pollution research, technology development, and demonstration among the Federal agencies, in cooperation and coordination with industry, universities, research institutions, State governments, tribal governments, and other nations, as appropriate, and shall foster cost-effective research mechanisms, including the joint funding of research.

(d) REPORTS TO CONGRESS.—

(1) Not later than 180 days after the date of enactment of this Act, the Committee shall submit to Congress a report on the current state of oil spill prevention and response capabilities that—

(A) identifies current research programs conducted by governments, universities, and corporate entities;

(B) assesses the current status of knowledge on oil pollution prevention, response, and mitigation technologies;

(C) establishes national research priorities and goals for oil pollution technology development related to prevention, response, mitigation, and environmental effects;

(D) identifies regional oil pollution research needs and priorities for a coordinated program of research at the regional level developed in consultation with the State and local governments, tribes;

(E) assesses the current state of spill response equipment, and determines areas in need of improvement including amount, age, quality, effectiveness, or necessary technological improvements;

(F) assesses the current state of real time data available to mariners, including water level, currents and weather information and predictions, and assesses whether lack of timely information increases the risk of oil spills; and

(G) includes such recommendations as the Committee deems appropriate.

(2) QUINQUENNIAL UPDATES.—The Committee shall submit a report every fifth year after its first report under paragraph (1) updating the information contained in its previous report under this subsection.

(e) ADVICE AND GUIDANCE.—The Committee shall accept comments and input from State and local governments, Indian tribes, industry representatives, and other stakeholders.

(f) NATIONAL ACADEMY OF SCIENCE PARTICIPATION.—The Chairman, through the National Oceanic and Atmospheric Administration, shall contract with the National Academy of Sciences to—

(1) provide advice and guidance in the preparation and development of the research plan; and

(2) assess the adequacy of the plan as submitted, and submit a report to Congress on the conclusions of such assessment.

(g) RESEARCH AND DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—The Committee shall establish a program for conducting oil pollution research and development. Within 180 days after submitting its report to the Congress under subsection (d), the Committee shall submit to Congress a plan for the implementation of the program.

(2) PROGRAM ELEMENTS.—The program established under paragraph (1) shall provide for research, development, and demonstration of new or improved technologies which are effective in preventing, detecting, or mitigating oil discharges and which protect the environment, and include—

(A) high priority research areas described in the report;

(B) environmental effects of acute and chronic oil spills;

(C) long-term effects of major spills and the long-term cumulative effects of smaller endemic spills;

(D) new technologies to detect accidental or intentional overboard discharges;

(E) response capabilities, such as improved booms, oil skimmers, and storage capacity;

(F) methods to restore and rehabilitate natural resources damaged by oil discharges; and

(G) research and training, in consultation with the National Response Team, to improve industry's and Government's ability to remove an oil discharge quickly and effectively.

(h) GRANT PROGRAM.—

(1) IN GENERAL.—The Under Secretary of Commerce for Oceans and Atmosphere shall manage a program of competitive grants to universities or other research institutions, or groups of universities or research institutions, for the purposes of conducting the program established under subsection (g).

(2) APPLICATIONS AND CONDITIONS.—In conducting the program, the Under Secretary—

(A) shall establish a notification and application procedure;

(B) may establish such conditions, and require such assurances, as may be appropriate to ensure the efficiency and integrity of the grant program; and

(C) may make grants under the program on a matching or nonmatching basis.

(i) FACILITATION.—The Committee may develop memoranda of agreement or memoranda of understanding with universities, States, or other entities to facilitate the research program.

(j) ANNUAL REPORTS.—The chairman of the Committee shall submit an annual report to Congress on the activities carried out under this section in the preceding fiscal year, and on activities proposed to be carried out under this section in the current fiscal year.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce to carry out this section—

(1) $200,000 for fiscal year 2008, to remain available until expended, for contracting with the National Academy of Sciences and other expenses associated with developing the report and research program; and

(2) $2,000,000 for each of fiscal years 2008, 2009, and 2010, to remain available until expended, to fund grants under subsection (h).

(l) COMMITTEE REPLACES EXISTING AUTHORITY.—The authority provided by this section supersedes the authority provided by section 7001 of the Oil Pollution Act of 1990 (33 U.S.C. 2761) for the establishment of the Interagency Committee on Oil Pollution Research under subsection (a) of that section, and that Committee shall cease operations and terminate on the date of enactment of this Act.

SEC. 302. GRANT PROJECT FOR DEVELOPMENT OF COST-EFFECTIVE DETECTION TECHNOLOGIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant shall establish a grant program for the development of cost-effective technologies, such as infrared, pressure sensors, and remote sensing, for detecting discharges of oil from vessels as well as methods and technologies for improving detection and recovery of submerged and sinking oils.

(b) MATCHING REQUIREMENT.—The Federal share of any project funded under subsection (a) may not exceed 50 percent of the total cost of the project.

(c) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act the Secretary shall provide a report to the Senate Committee on Commerce, Science, and Transportation, and to the House of Representatives Committee on Transportation and Infrastructure on the results of the program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commandant to carry out this section $2,000,000 for each of fiscal years 2008, 2009, and 2010, to remain available until expended.

(e) TRANSFER PROHIBITED.—Administration of the program established under subsection (a) may not be transferred within the Department of Homeland Security or to another department or Federal agency.

SEC. 303. STATUS OF IMPLEMENTATION OF RECOMMENDATIONS BY THE NATIONAL RESEARCH COUNCIL.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on whether the Coast Guard has implemented each of the recommendations directed at the Coast Guard, or at the Coast Guard and other entities, in the following National Research Council reports:

(1) ''Double-Hull Tanker Legislation, An Assessment of the Oil Pollution Act of 1990'', dated 1998.

(2) ''Oil in the Sea III, Inputs, Fates and Effects'', dated 2003.

(b) CONTENT.—The report shall contained a detailed explanation of the actions taken by the Coast Guard pursuant to the National Research Council reports. If the Secretary determines that the Coast Guard has not fully implemented the recommendations, the Secretary shall include a detailed explanation of the reasons any such recommendation has not been fully implemented, together with any recommendations the Secretary deems appropriate for implementing any such non-implemented recommendation.

SEC. 304. GAO REPORT.

Within 1 year after the date of enactment of this Act, the Comptroller General shall provide a written report with recommendations for reducing the risks and frequency of releases of oil from vessels (both intentional and accidental) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that includes the following:

(1) CONTINUING OIL RELEASES.—A summary of continuing sources of oil pollution from vessels, the major causes of such pollution, the extent to which the Coast Guard or other Federal or State entities regulate such sources and enforce such regulations, possible measures that could reduce such releases of oil.

(2) DOUBLE HULLS.—

(A) A description of the various types of double hulls, including designs, construction, and materials, authorized by the Coast

Guard for United States flag vessels, and by foreign flag vessels pursuant to international law, and any changes with respect to what is now authorized compared to the what was authorized in the past.

(B) A comparison of the potential structural and design safety risks of the various types of double hulls described in subparagraph (A) that have been observed or identified by the Coast Guard, or in public documents readily available to the Coast Guard, including susceptibility to corrosion and other structural concerns, unsafe temperatures within the hulls, the build-up of gases within the hulls, ease of inspection, and any other factors affecting reliability and safety.

(3) ALTERNATIVE DESIGNS FOR NON-TANK VESSELS.—A description of the various types of alternative designs for non-tank vessels to reduce risk of an oil spill, known effectiveness in reducing oil spills, and a summary of how extensively such designs are being used in the United States and elsewhere.

(4) RESPONSE EQUIPMENT.—An assessment of the sufficiency of oil pollution response and salvage equipment, the quality of existing equipment, new developments in the United States and elsewhere, and whether new technologies are being used in the United States.

SEC. 305. OIL TRANSPORTATION INFRASTRUCTURE ANALYSIS.

The Secretary of the Department of Homeland Security shall, in conjunction with the Secretary of Commerce, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and the heads of other appropriate Federal agencies, contract with the National Research Council to conduct an analysis of the condition and safety of all aspects of oil transportation infrastructure in the United States, and provide recommendations to improve such safety, including an assessment of the adequacy of contingency and emergency plans in the event of a natural disaster or emergency.

○

By Ms. SNOWE:

S. 1622. A bill to require the Federal Communications Commission to reevaluate the band plans for the upper 700 megaHertz band and the un-auctioned portions of the lower 700 megaHertz band and recongifure them to include spectrum to be licensed for small geographic areas; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to once again introduce legislation to encourage the deployment of next generation wireless services in rural areas. Cell phones have become a vital part of so many lives. Today, there are more than 200 million wireless subscribers in the United States alone, a subscribership that continues to grow. This burgeoning success makes it all the more imperative that we foster an environment where this technology and future wireless advancements can flourish and thrive.

As we consider the myriad issues affecting this debate, we must bear in mind that along with mobility, convenience and safety, cell phones today engender countless additional benefits from access to information, global satellite positioning, to entertainment. While wireless phones have been rapidly adopted by the general public, wireless service faces flaws that could hinder further adoption. I can tell you from firsthand experience how frustrated it can be when I am at home in Maine when I cannot get cellular service. Something must be done in order to improve advance the capability of wireless service that people across my State and others are relying on in increasing numbers every day.

We must be vigilant in safeguarding our smaller communities from remaining under served and strive to ensure that they are taken into account as the Federal Government shapes policy in response to this changing technological landscape. As many of my colleagues are well aware, wireless services, such as cell phones, handheld devices, and some Internet services use frequencies on the radio spectrum to transfer voice and data from one user to another. It is the job of the service provider to convert these airwaves into the valuable services that consumers demand. The quality of service in a given place depends on how much investment the service provider has put into infrastructure. More urban locations tend to have better service because the return on investment is much higher because of the concentration of customers. This reality does not mean that rural areas are left without service. Viable business models exist that can sustain service in these more remote locations. Oftentimes smaller, local wireless companies can serve these areas better than nationwide service providers.

But one of the greatest barriers to entry in the wireless industry is acquiring a spectrum license in which a service can be operated. Companies bid billions of dollars for rights to be one of the Nation's most critical technological resources. The digital television transition is on the verge of releasing new spectrum into the marketplace, the much-anticipated 700 megaHertz spectrum auction. While I am grateful that the Federal Communications Commission has stated its intention to auction off the spectrum in licenses that cover both large and small geographic areas, without this consideration, smaller companies will be unable to compete in the bidding process. That is patently unacceptable.

The bill I introduce today aims to address this problem by reiterating to the Federal Communications Commission the necessity of protecting smaller communities during the 700 MHz spectrum that will be auctioned as a result of the digital television transition. In the final auction rules, the FCC must divide some of the frequency allocations into smaller area licenses so that local and regional wireless companies can have an opportunity to compete in the bidding process. The proper balance of large and small licenses will encourage the deployment of advanced services throughout all parts of the United States.

This bill is not meant to circumvent the expertise or purview of the Federal Communications Commission, nor call into question its intentions. It merely directs the FCC to use its acumen and good offices to develop a plan that will benefit the entire Nation. Rural America deserves the same benefits of wireless technologies that are available in urban areas. This act gives those best able to serve remote areas the required tools to deploy those services.

By Mr. INHOFE (for himself, Mr. NELSON of Nebraska, Ms. SNOWE, Mr. STEVENS, Mr. BUNNING, Mr. CRAPO, Mr. CRAIG, Mr. KYL, Mr. ENSIGN, Mr. COBURN, Mr. SHELBY, Mr. CHAMBLISS, Mrs. HUTCHISON, Mr. VITTER, Mr. SESSIONS, Mr. THUNE, Mr. BOND, Mr. COCHRAN, Mr. BURR, Mrs. DOLE, and Mr. ALLARD):

S. 1623. A bill to require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is not engaged in global taxation schemes; to the Committee on Foreign Relations.

Mr. INHOFE. Mr. President, today I introduce S. 1623. I introduce this bill to prevent the imposition of global taxes on the United States. The current efforts of the United Nations and other international organizations are to develop and advocate a type of tax system that will keep them from having to answer to anybody.

Last year, I introduced legislation, S. 3633, which garnered the support of 31 cosponsors, and I am pleased to reintroduce this bill today with 23 cosponsors.

This bill states if the United Nations or other international organizations continue to pursue global taxation, the United States will withhold 20 percent of the assessed contributions to the regular budget of these organizations. This measure will last until certification is given by the President to the Congress that no international organization has legal taxation authority in the United States, that no taxes or fees have been imposed on the United States, and that no taxes have been proposed by any of these international organizations.

One has to wonder sometimes what has happened to sovereignty in America. There are people in this body who don't think anything is good unless it is somehow proposed by some international organization, and quite often the interests of international organizations are not the same interests of our Nation. Our Government's primary leverage with the United Nations is controlling the flow of our regular contributions. By collecting enormous and global taxes on top of our regular contributions, the United Nations, or any other of these international organizations, would be accountable to no one. The United Nations' abuse of international trust, rampant corruption, and widespread waste are now all well-known. Allowing this clearly dysfunctional institution to extract U.S. dollars is absurd. Permitting this would

condone the U.N.'s long sought-after goal of a U.N.-led global governance—something not in the best interest of the United States.

The United States already pays 27 percent of the U.N. Peacekeeping budget and 22 percent of the regular U.N. dues and special assessments, the majority of which our Government tracks very poorly. To further loosen the reins on the United Nations would be disastrous. We can't allow this to happen.

It is fascinating to watch the various things that are not in the best interests of this country and the fact that we are paying for 25 percent of that. This is a way we would be able to inject into this system something that would be far better and would take care of just the sovereignty of the United States; those things that are in our best interests and not just in the best interests of some international organization.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 1624. A bill to amend the Internal Revenue Code of 1986 to provide that the exception from the treatment of publicly traded partnerships as corporations for partnerships with passive-type income shall not apply to partnerships directly or indirectly deriving income from providing investment adviser and related asset management services; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I am pleased to join my friend and colleague, Senator GRASSLEY, in introducing legislation to preserve the corporate tax base.

The Federal Government taxes corporations. The tax law treats corporations as economic entities, and taxes them separately from the corporation's shareholders. And the tax law treats partnerships differently from corporations.

Recently, some private equity and hedge fund entities have sought to go public without paying a corporate tax. The bill that we introduce today would treat all publicly traded partnerships that directly or indirectly receive income from providing investment advisory or asset management services as corporations. The tax law ought to treat as corporations entities that function as corporations.

Congress enacted the publicly traded partnership rules in 1987 to preserve the corporate tax base. Congress was concerned that publicly traded partnerships might be able to enjoy the privilege of going public like a corporation without the corporate toll charge. The House committee report stated:

> These changes [referring to the corporate minimum tax included in the 1986 Act] reflect an intent to preserve the corporate level tax. The committee is concerned that the intent of these changes is being circumvented by the growth of publicly traded partnerships that are taking advantage of an unintended opportunity for disincorporation and elective integration of the corporate and shareholder levels of tax.

Congress carved out an exception for those partnerships that receive 90 percent or more of their income from passive income. Passive income includes dividends, rents, royalties, interest, and the sale of capital gains. But Congress generally treated publicly traded partnerships that derive income from active businesses as corporations.

To emphasize that point, in 1987, the House committee report stated:

> In general, the purpose of distinguishing between passive-type income and other income is to distinguish those partnerships that are engaged in activities commonly considered as essentially no more than investments, and those activities more typically conducted in corporate form that are in the nature of active business activities.

This year, some private equity and hedge fund management firms are attempting to qualify for partnership tax treatment. They seek to do so even though they derive virtually all of their income from providing asset management and financial advisory services. These management firms argue that they are able to achieve this result by claiming that all of their income from asset management and investment advisory services is passive. But objective observers would say that this income actually arises from active businesses. Congress's intent in 1987 was to treat such publicly traded partnerships as corporations. In the legislation that we introduce today, we seek to ensure that Congress's original intent is carried out.

This legislation is also important to ensure that some corporations are not disadvantaged because they conduct business in the corporate form and pay taxes as a corporation. Asset management service and investment advisory partnerships provide the same types of active business services as their corporate competitors. Our tax system functions best when it is fair. The tax law ought to treat similarly situated taxpayers the same. Thus, these publicly traded partnerships should be taxed as corporations.

The legislation that we introduce today would clarify the purpose of the publicly traded partnership rules. Our bill would deny the ability of an active financial advisory and asset management business to go public and avoid a corporate level tax on a significant amount of its income.

Senator GRASSLEY and I have asked the staff of the Treasury Department for their views on these transactions, how they plan to address this issue, and whether they think additional statutory changes are necessary to clarify the intent of the publicly traded partnership rules. If a statutory change is needed, then this legislation will accomplish that change. If a change is not needed, then this legislation does not alter the ability of Treasury Department and the Internal Revenue Service to issue guidance and enforce congressional intent.

I urge my colleagues to join with Senator GRASSLEY and me to protect the original intent of Congress, to protect the tax base, and to treat similarly situated entities similarly. I urge my colleagues to support this bill.

I ask unanimous consent that the text of the bill and an explanation and reasons for change be printed in the RECORD.

There being no ojection, the material was ordered to be printed in the RECORD, as follows:

S. 1624

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCEPTION FROM TREATMENT OF PUBLICLY TRADED PARTNERSHIPS AS CORPORATIONS NOT TO APPLY TO PARTNERSHIPS DIRECTLY OR INDIRECTLY DERIVING INCOME FROM PROVIDING INVESTMENT ADVISER AND RELATED ASSET MANAGEMENT SERVICES.

(a) IN GENERAL.—Section 7704(c) of the Internal Revenue Code of 1986 (relating to exception for partnerships with passive-type income) is amended by adding at the end the following new paragraph:

''(4) EXCEPTION NOT TO APPLY TO PARTNERSHIPS PROVIDING CERTAIN INVESTMENT ADVISER AND RELATED ASSET MANAGEMENT SERVICES.—This subsection shall not apply to any partnership which directly or indirectly has any item of income or gain (including capital gains or dividends), the rights to which are derived from—

''(A) services provided by any person as an investment adviser (as defined in section 202(a)(11) of the Investment Advisers Act of 1940, 15 U.S.C. 80b-2(a)(11)) or as a person associated with an investment adviser (as defined in section 202(a)(17) of the Investment Advisers Act of 1940, 15 U.S.C. 80b-2(a)(17)), or

''(B) asset management services provided by any person described in subparagraph (A) (or any related person) in connection with the management of assets with respect to which services described in subparagraph (A) were provided.

For purposes of subparagraph (A), the determination as to whether services provided by any person were provided as an investment adviser shall be made without regard to whether the person is required to register as an investment adviser under the Investment Advisers Act of 1940.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to taxable years of a partnership beginning on or after June 14, 2007.

(2) TRANSITION RULE FOR CERTAIN PARTNERSHIPS.—In the case of a partnership—

(A) the interests in which on June 14, 2007, were—

(i) traded on an established securities market, or

(ii) readily tradeable on a secondary market (or the substantial equivalent thereof), or

(B) which, on or before June 14, 2007, filed a registration statement with the Securities and Exchange Commission under section 6 of the Securities Act of 1933 (15 U.S.C. 77f) which was required solely by reason of an initial public offering of interests in the partnership,

the amendment made by this section shall apply to taxable years of the partnership beginning on or after June 14, 2012. Subparagraph (B) shall not apply to a registration statement which is filed with respect to securities which are to be issued on a delayed or continuous basis (as determined under the rules of the Securities and Exchange Commission promulgated under such Act).

A. TREATMENT OF PUBLICLY TRADED PARTNERSHIPS DIRECTLY OR INDIRECTLY DERIVING INCOME FROM INVESTMENT ADVISER SERVICES AND RELATED ASSET MANAGEMENT SERVICES

PRESENT LAW

Under present law, a publicly traded partnership generally is treated as a corporation for Federal tax purposes (sec. 7704(a)). For this purpose, a publicly traded partnership means any partnership if interests in the partnership are traded on an established securities market, or interests in the partnership are readily tradable on a secondary market (or the substantial equivalent thereof).

An exception from corporate treatment is provided for certain publicly traded partnerships, 90 percent or more of whose gross income is qualifying income (sec. 7704(c)(2)). However, this exception does not apply to any partnership that would be described in section 851 (a) if it were a domestic corporation, which includes a corporation registered under the Investment Company Act of 1940 as a management company or unit investment trust.

Qualifying income includes interest, dividends, and gains from the disposition of a capital asset (or of property described in section 1231 (b)) that is held for the production of income that is qualifying income. Qualifying income also includes rents from real property, gains from the sale or other disposition of real property, and income and gains from the exploration, development, mining or production, processing, refining, transportation (including pipelines transporting gas, oil, or products thereof), or the marketing of any mineral or natural resource (including fertilizer, geothermal energy, and timber). It also includes income and gains from commodities (not described in section 1221 (a)(1)) or futures, options, or forward contracts with respect to such commodities (including foreign currency transactions of a commodity pool) in the case of partnership, a principal activity of which is the buying and selling of such commodities, futures, options or forward contracts.

REASONS FOR CHANGE

The rules generally treating publicly traded partnerships as corporations were enacted in 1987 to address concern about long-term erosion of the corporate tax base. At that time, Congress stated, ''[t]o the extent that activities would otherwise be conducted in corporate form, and earnings would be subject to two levels of tax (at the corporate and shareholder levels), the growth of publicly traded partnerships engaged in such activities tends to jeopardize the corporate tax base.'' (H.R. Rep. No. 100–391, 100th Cong., 1st Sess. 1065.) Referring to recent tax law changes affecting corporations, the Congress stated, ''[t]hese changes reflect an intent to preserve the corporate level tax. The committee is concerned that the intent of these changes is being circumvented by the growth of publicly traded partnerships that are taking advantage of an unintended opportunity for disincorporation and elective integration of the corporate and shareholder levels of tax.'' (H.R. Rep. No. 100–391, 100th Cong., 1st Sess. 1066.)

These same concerns hold true today, as industry sectors that have never conducted business as publicly traded partnerships start to shift into that form of doing business. News reports have called attention to transactions set in motion in recent months in which partnerships earning income from investment adviser and related asset management services made or will make their interests available on an exchange or market. This trend causes deep concern about preservation of the corporate tax base as it presages the transfer of corporate assets to publicly traded partnerships. When corporate assets are moved to partnership form without relinquishing that hallmark of corporate status, access to capital markets, some businesses are able to lower their cost of capital at the expense of the Federal Treasury. This result subverts a principal purpose and policy of the present-law rules treating publicly traded partnerships as corporations: to preserve the corporate tax base.

To the extent these transactions represent a trend toward increased utilization of publicly traded partnerships in the case of businesses earning income from investment adviser and related asset management services, there is the additional concern of distortions caused by inconsistent treatment under the tax law. The present-law exception in the case of partnerships, 90 percent or more of whose gross income is qualifying income, is not intended to encompass income from investment adviser and related asset management services. The bill serves to address this troubling trend by strengthening the rules treating publicly traded partnerships as corporations.

EXPLANATION OF PROVISION

The bill provides generally that the exception from corporate treatment for a publicly traded partnership, 90 percent or more of whose gross income is qualifying income, does not apply in the case of a partnership that directly or indirectly derives income from investment adviser services or related asset management services. Thus, such a partnership is treated as a corporation for Federal tax purposes and is subject to the corporate income tax.

Under the bill, the exception from corporate treatment for a publicly traded partnership does not apply to any partnership that, directly or indirectly, has any item of income or gain (including capital gains or dividends), the rights to which are derived from services provided by any person as an investment adviser, as defined in the Investment Advisers Act of 1940, or as a person associated with an investment adviser, as defined in that Act. Further, the exception from corporate treatment does not apply to a partnership that, directly or indirectly, has any item of income or gain (including capital gains or dividends), the rights to which are derived from asset management services provided by an investment adviser, a person associated with an investment adviser, or any person related to either, in connection with the management of assets with respect to which investment adviser services were provided. For purposes of the bill, these determinations are made without regard to whether the person is required to register as an investment adviser under the Investment Advisers Act of 1940. In the absence of regulatory guidance as to the definition of a related person, it is intended that the definition of a related person in section 197(f)(9)(C)(i) apply.

For example, a publicly traded partnership that has income (including capital gains or dividend income) from a profits interest in a partnership, the rights to which income are derived from the performance of services by any person as an investment adviser, is treated as a corporation for Federal tax purposes under the bill. As a further example, a publicly traded partnership that receives a dividend from a corporation that receives or accrues income, the rights to which are derived from services provided by any person as an investment adviser, is treated as a corporation for Federal tax purposes under the bill.

Under the Investment Advisers Act of 1940 definition, an investment adviser means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as part of a regular business, issues or promulgates analyses or reports concerning securities. Under this definition, exceptions are provided in the case of certain banks, certain brokers or dealers, as well as certain others, provided criteria specified in that Act are met. These exceptions apply for purposes of the bill. No inference is intended that income from activities described in the exceptions is qualifying income for purposes of section 7704.

EFFECTIVE DATE

The bill generally is effective for taxable years of a partnership beginning on or after June 14, 2007.

Under a transition rule for certain partnerships, the bill applies for taxable years beginning on or after June 14, 2012. The transition rule applies in the case of a partnership the interests in which on June 14, 2007, were traded on an established securities market, or were readily tradable on a secondary market (or the substantial equivalent thereof). In addition, the transition rule generally applies in the case of a partnership which, on or before June 14, 2007, filed a registration statement with the Securities and Exchange Commission under section 6 of the Securities Act of 1933 (15 U.S.C. 77f) that was required solely by reason of an initial public offering of interests in the partnership. However, the transition rule does not apply if the registration statement is filed with respect to securities that are to be issued on a delayed or continuous basis (pursuant to Rule 415 under the Securities Act of 1933). Thus, a shelf registration on or before June 14, 2007, of interests in a partnership does not cause the partnership to be eligible for the transition rule. Rather, in the case of such a partnership, the bill is effective for taxable years of the partnership beginning on or after June 14, 2007.

Mr. GRASSLEY. Mr. President, this legislation that Senator BAUCUS and I are introducing addresses an important issue—preserving the integrity of the Tax Code. Recent public offerings, effected and announced, by private equity and hedge fund management firms have raised serious tax concerns that if left unaddressed have the potential to fundamentally reduce the corporate tax base over the long run, leading other individuals and business taxpayers with a greater share of the Nation's tax burden.

Congress enacted the publicly traded partnership rules in 1987 out of concern with erosion of the corporate tax base. Given the ease with which taxpayers can choose the type of entity for their business, an appropriate ''bright line'' to define entities that should be subject to a corporate level tax was considered to be those entities that are publicly traded. A hallmark of corporate status is access to public markets. Another concern was that the ability to be publicly traded without paying an entity level tax would create an unwarranted competitive advantage over publicly traded corporations.

These concerns—corporate tax base erosion and a tax-created competitive advantage—were not considered to be implicated in cases where the partnership's income is from passive investments because investors could earn

such income directly—e.g., interest—or because the income is already subject to a corporate level tax—e.g., dividends. The following key quote from the legislative history illustrates this point:

In general, the purpose of distinguishing between passive-type income and other income is to distinguish those partnerships that are engaged in activities commonly considered as essentially no more than investments, and those activities more typically conducted in corporate form that are in the nature of active business activities.

The recent and proposed public offerings of private equity and hedge fund management firms claim to qualify for partnership tax treatment, even though virtually all of their income is derived from providing asset management and financial advisory services. This result is claimed to be accomplished by structuring service fees in a way that purports to characterize those fees as passive-type income. Whether or not these structures comply with the letter of the law, they are inconsistent with the purposes of the publicly traded partnership rules.

This legislation clarifies the purpose of the publicly traded partnership rules by denying the ability of an active financial advisory and asset management business to go public and avoid a corporate level tax on a significant amount of its income. Senator BAUCUS and I have asked Treasury for their views on these structures, how they plan to address this issue, and whether they think additional statutory changes are necessary to clarify the intent of the publicly traded partnership rules. If a change is necessary, this legislation will accomplish that change. If a change isn't necessary, this legislation does not alter the ability of Treasury and the Internal Revenue Service to issue guidance and enforce Congressional intent.

In his introductory remarks, Senator BAUCUS gave a technical description of this legislation and reasons for change, which reflects my understanding and intent in introducing this bill.

By Mr. BINGAMAN (for himself, Mr. COLEMAN, Mrs. LINCOLN, Mr. NELSON of Nebraska, Mr. KERRY, and Ms. COLLINS):

S. 1628. A bill to amend the Public Health Service Act to authorize programs to increase the number of nurse faculty and to increase the domestic nursing and physical therapy workforce, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, today I introduce legislation with my colleagues, Senator COLEMAN, Senator LINCOLN, Senator BEN NELSON, Senator KERRY, and Senator COLLINS, that will help to address the critical shortage of nurse faculty and physical therapists that is facing our Nation. The nationwide nursing shortage is growing rapidly, because the average age of the nursing workforce is near retirement and because the aging population has increasing health care needs. And the shortage is one that affects the entire Nation. A 2006 Health Resources and Services Administration report estimated that the national nursing shortage would more than triple, to more than 1 million nurses, by the year 2020. The report also predicts that all 50 States will experience nursing shortages by 2015. Quite simply, we need to educate more nurses, or we, as a Nation, will not have enough trained nurses to meet the needs of our aging society.

One of the biggest constraints to educating more nurses is a shortage of nursing faculty. Almost three-quarters of nursing programs surveyed by the American Association of Colleges of Nursing cited faculty shortages as a reason for turning away qualified applicants. Although applications to nursing programs have surged 59 percent over the past decade, the National League for Nursing estimates that 147,000 qualified applications were turned away in 2004. This represents a 27 percent decrease in admissions over the previous year, indicating the need to scale up capacity in nursing programs is more critical than ever.

I know that in my home state of New Mexico, nursing programs turned down almost half of qualified applicants, even though the Health Resources and Services Administration predicts that New Mexico will only be able to meet 64 percent of its demand for nurses by 2020. With a national nurse faculty workforce that averages 53.5 years of age, and an average nurse faculty retirement age of 62.5 years, we cannot and must not wait any longer to address nurse faculty shortages.

Nursing faculty are not the only segment of the population that is aging. As the baby boom generation ages, there will be an increased need for nurses to care for the elderly. However, less than 1 percent of practicing nurses have a certification in geriatrics.

The Nurse Faculty and Physical Therapist Education Act will amend the Public Health Service Act, to help alleviate the faculty shortage by providing funds to help nursing schools increase enrollment and graduation from nursing doctoral programs. The act will increase partnering opportunities between academic institutions and medical practices, enhance cooperative education, support marketing outreach, and strengthen mentoring programs. The bill will increase the number of nurses who complete nursing doctoral programs and seek employment as faculty members and nursing leaders in academic institutions. In addition, the bill authorizes awards to train nursing faculty in clinical geriatrics, so that more nursing students will be equipped for our aging population.

By addressing the faculty shortage, we are addressing the nursing shortage.

The aging population will also require additional health workers in other fields. Physical therapy was listed as one of the fastest growing occupations by the U.S. Department of Labor, with a projected job growth of greater than 36 percent between 2004 and 2014. The need for physical therapists is particularly acute in rural and urban underserved areas, which have three to four times fewer physical therapists per capita than suburban areas. To address this need, the bill also authorizes a distance education pilot program to improve access to educational opportunity for both nursing and physical therapy students. Finally, the bill calls for a study by the Institute of Medicine at the National Academy of Sciences which will recommend how to balance education, labor, and immigration policies to meet the demand for qualified nurses and physical therapists.

The provisions of the Nurse Faculty and Physical Therapist Education Act are vital to overcoming workforce challenges. By addressing nurse faculty and physical therapist shortages, we will enhance both access to care and the quality of care. I would like to thank my colleagues, Senator COLEMAN, Senator LINCOLN, and Senator BEN NELSON, for their leadership and hard work on this important issue.

I ask unanimous consent that the text of bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''Nurse Faculty and Physical Therapist Education Act of 2007''.

(b) FINDINGS.—Congress makes the following findings:

(1) The Nurse Reinvestment Act (Public Law 107–205) has helped to support students preparing to be nurse educators. Yet, nursing schools nationwide are forced to deny admission to individuals seeking to become nurses and nurse educators due to the lack of qualified nurse faculty.

(2) The American Association of Colleges of Nursing reported that 42,866 qualified applicants were denied admission to nursing baccalaureate and graduate programs in 2006, with faculty shortages identified as a major reason for turning away students.

(3) Seventy-one percent of schools have reported insufficient faculty as the primary reason for not accepting qualified applicants. The primary reasons for lack of faculty are lack of funds to hire new faculty, inability to identify, recruit and hire faculty in the competitive job market as of May 2007, and lack of nursing faculty available in different geographic areas.

(4) Despite the fact that in 2006, 52.4 percent of graduates of doctoral nursing programs enter education roles, the 103 doctoral programs nationwide produced only 437 graduates, which is only an additional 6 graduates from 2005. This annual graduation rate is insufficient to meet the needs for nurse faculty. In keeping with other professional academic disciplines, nurse faculty at colleges and universities are typically doctorally prepared.

(5) The nursing faculty workforce is aging and will be retiring.

(6) With the average retirement age of nurse faculty at 62.5 years of age, and the average age of doctorally prepared faculty, as of May 2007, that hold the rank of professor, associate professor, and assistant professor is 58.6, 55.8, and 51.6 years, respectively, the health care system faces unprecedented workforce and health access challenges with current and future shortages of deans, nurse educators, and nurses.

(7) Research by the National League of Nursing indicates that by 2019 approximately 75 percent of the nursing faculty population (as of May 2007) is expected to retire.

(8) A wave of nurses will be retiring from the profession in the near future. As of May 2007, the average age of a nurse in the United States is 46.8 years old. The Bureau of Labor Statistics estimates that more than 1,200,000 new and replacement registered nurses will be needed by 2014.

(9) By 2030, the number of adults age 65 and older is expected to double to 70,000,000, accounting for 20 percent of the population. As the population ages, the demand for nurses and nursing faculty will increase.

(10) Despite the need for nurses to treat an aging population, few registered nurses in the United States are trained in geriatrics. Less than 1 percent of practicing nurses have a certification in geriatrics and 3 percent of advanced practice nurses specialize in geriatrics.

(11) Specialized training in geriatrics is needed to treat older adults with multiple health conditions and improve health outcomes. Approximately 80 percent of Medicare beneficiaries have 1 chronic condition, more than 60 percent have 2 or more chronic conditions, and at least 10 percent have coexisting Alzheimer's disease or other dementias that complicate their care and worsen health outcomes. Two-thirds of Medicare spending is attributed to 20 percent of beneficiaries who have 5 or more chronic conditions. Research indicates that older persons receiving care from nurses trained in geriatrics are less frequently readmitted to hospitals or transferred from nursing facilities to hospitals than those who did not receive care from a nurse trained in geriatrics.

(12) The Department of Labor projected that the need for physical therapists would increase by 36.7 percent between 2004 and 2014.

(13) The need for physical therapists is particularly acute rural and urban underserved areas, which have 3 to 4 times fewer physical therapists per capita than suburban areas.

TITLE I—GRANTS FOR NURSING EDUCATION

SEC. 101. NURSE FACULTY EDUCATION.

Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p et seq.) is amended by adding at the end the following:

''SEC. 832. NURSE FACULTY EDUCATION.

''(a) ESTABLISHMENT.—The Secretary, acting through the Health Resources and Services Administration, shall establish a Nurse Faculty Education Program to ensure an adequate supply of nurse faculty through the awarding of grants to eligible entities to—

''(1) provide support for the hiring of new faculty, the retaining of existing faculty, and the purchase of educational resources;

''(2) provide for increasing enrollment and graduation rates for students from doctoral programs; and

''(3) assist graduates from the entity in serving as nurse faculty in schools of nursing;

''(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) be an accredited school of nursing that offers a doctoral degree in nursing in a State or territory;

''(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

''(3) develop and implement a plan in accordance with subsection (c);

''(4) agree to submit an annual report to the Secretary that includes updated information on the doctoral program involved, including information with respect to—

''(A) student enrollment;

''(B) student retention;

''(C) graduation rates;

''(D) the number of graduates employed part-time or full-time in a nursing faculty position; and

''(E) retention in nursing faculty positions within 1 year and 2 years of employment;

''(5) agree to permit the Secretary to make on-site inspections, and to comply with the requests of the Secretary for information, to determine the extent to which the school is complying with the requirements of this section; and

''(6) meet such other requirements as determined appropriate by the Secretary.

''(c) USE OF FUNDS.—Not later than 1 year after the receipt of a grant under this section, an entity shall develop and implement a plan for using amounts received under this grant in a manner that establishes not less than 2 of the following:

''(1) Partnering opportunities with practice and academic institutions to facilitate doctoral education and research experiences that are mutually beneficial.

''(2) Partnering opportunities with educational institutions to facilitate the hiring of graduates from the entity into nurse faculty, prior to, and upon completion of the program.

''(3) Partnering opportunities with nursing schools to place students into internship programs which provide hands-on opportunity to learn about the nurse faculty role.

''(4) Cooperative education programs among schools of nursing to share use of technological resources and distance learning technologies that serve rural students and underserved areas.

''(5) Opportunities for minority and diverse student populations (including aging nurses in clinical roles) interested in pursuing doctoral education.

''(6) Pre-entry preparation opportunities including programs that assist returning students in standardized test preparation, use of information technology, and the statistical tools necessary for program enrollment.

''(7) A nurse faculty mentoring program.

''(8) A Registered Nurse baccalaureate to Ph.D. program to expedite the completion of a doctoral degree and entry to nurse faculty role.

''(9) Career path opportunities for 2nd degree students to become nurse faculty.

''(10) Marketing outreach activities to attract students committed to becoming nurse faculty.

''(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to entities from States and territories that have a lower number of employed nurses per 100,000 population.

''(e) NUMBER AND AMOUNT OF GRANTS.—Grants under this section shall be awarded as follows:

''(1) In fiscal year 2008, the Secretary shall award 10 grants of $100,000 each.

''(2) In fiscal year 2009, the Secretary shall award an additional 10 grants of $100,000 each and provide continued funding for the existing grantees under paragraph (1) in the amount of $100,000 each.

''(3) In fiscal year 2010, the Secretary shall award an additional 10 grants of $100,000 each and provide continued funding for the existing grantees under paragraphs (1) and (2) in the amount of $100,000 each.

''(4) In fiscal year 2011, the Secretary shall provide continued funding for each of the existing grantees under paragraphs (1) through (3) in the amount of $100,000 each.

''(5) In fiscal year 2012, the Secretary shall provide continued funding for each of the existing grantees under paragraphs (1) through (3) in the amount of $100,000 each.

''(f) LIMITATIONS.—

''(1) PAYMENT.—Payments to an entity under a grant under this section shall be for a period of not to exceed 5 years.

''(2) IMPROPER USE OF FUNDS.—An entity that fails to use amounts received under a grant under this section as provided for in subsection (c) shall, at the discretion of the Secretary, be required to remit to the Federal Government not less than 80 percent of the amounts received under the grant.

''(g) REPORTS.—

''(1) EVALUATION.—The Secretary shall conduct an evaluation of the results of the activities carried out under grants under this section.

''(2) REPORTS.—Not later than 3 years after the date of the enactment of this section, the Secretary shall submit to Congress an interim report on the results of the evaluation conducted under paragraph (1). Not later than 6 months after the end of the program under this section, the Secretary shall submit to Congress a final report on the results of such evaluation.

''(h) STUDY.—

''(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this section, the Comptroller General of the United States shall conduct a study and submit a report to Congress concerning activities to increase participation in the nurse educator program under the section.

''(2) CONTENTS.—The report under paragraph (1) shall include the following:

''(A) An examination of the capacity of nursing schools to meet workforce needs on a nationwide basis.

''(B) An analysis and discussion of sustainability options for continuing programs beyond the initial funding period.

''(C) An examination and understanding of the doctoral degree programs that are successful in placing graduates as faculty in schools of nursing.

''(D) An analysis of program design under this section and the impact of such design on nurse faculty retention and workforce shortages.

''(E) An analysis of compensation disparities between nursing clinical practitioners and nurse faculty and between higher education nurse faculty and higher education faculty overall.

''(F) Recommendations to enhance faculty retention and the nursing workforce.

''(i) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the costs of carrying out this section (except the costs described in paragraph (2), there are authorized to be appropriated $1,000,000 for fiscal year 2008, $2,000,000 for fiscal year 2009, and $3,000,000 for each of fiscal years 2010 through 2012.

''(2) ADMINISTRATIVE COSTS.—For the costs of administering this section, including the costs of evaluating the results of grants and submitting reports to the Congress, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012.''.

SEC. 102. GERIATRIC ACADEMIC CAREER AWARDS FOR NURSES.

Part I of title VIII of the Public Health Service Act (42 U.S.C. 298 et seq.) is amended by adding at the end the following:

''SEC. 856. GERIATRIC FACULTY FELLOWSHIPS.

''(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide Geriatric Academic Career Awards to eligible individuals to promote the career development of such individuals as geriatric nurse faculty.

''(b) ELIGIBLE INDIVIDUALS.—To be eligible to receive an Award under subsection (a), an individual shall—

''(1) be a registered nurse with a doctorate degree in nursing;

''(2)(A) have completed an approved advanced education nursing program in geriatric nursing or geropsychiatric nursing; or

''(B) have a State or professional nursing certification in geriatric nursing or geropsychiatric nursing; and

''(3) have a faculty appointment at an accredited school of nursing, school of public health, or school of medicine.

''(c) APPLICATION.—An eligible individual desiring to receive an Award under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, which shall include an assurance that the individual will meet the service requirement described in subsection (d).

''(d) SERVICE REQUIREMENT.—An individual who receives an Award under this section shall provide training in clinical geriatrics, including the training of interdisciplinary teams of health care professionals. The provision of such training shall constitute at least 50 percent of the obligations of such individual under the Award.

''(e) AMOUNT AND NUMBER.—

''(1) AMOUNT.—The amount of an Award under this section shall equal $75,000 annually, adjusted for inflation on the basis of the Consumer Price Index. The Secretary may increase the amount of an Award by not more than 25 percent, taking into account the fringe benefits and other research expenses, at the recipient's institutional rate.

''(2) NUMBER.—The Secretary shall award up to 125 Awards under this section from 2008 through 2016.

''(3) REGIONAL DISTRIBUTION.—

''(A) IN GENERAL.—The Secretary shall provide Awards to individuals from 5 regions in the United States, of which—

''(i) 2 regions shall be an urban area;

''(ii) 2 regions shall be a rural area; and

''(iii) 1 region shall include a State with—

''(I) a medical school that has a department of geriatrics that manages rural outreach sites and is capable of managing patients with multiple chronic conditions, 1 of which is dementia; and

''(II) a college of nursing that has a required course in geriatric nursing in the baccalaureate program.

''(B) GEOGRAPHIC DIVERSITY.—The Secretary shall ensure that the 5 regions established under subparagraph (A) are located in different geographic areas of the United States.

''(f) TERM OF AWARD.—The term of an Award made under this section shall be 5 years.

''(g) REPORTS.—

''(1) EVALUATION.—

''(A) IN GENERAL.—The Secretary shall conduct an evaluation of the results of the activities carried out under the Awards established under this section.

''(B) REPORTS TO CONGRESS.—Not later than 3 years after the date of the enactment of this section, the Secretary shall submit to Congress an interim report on the results of the evaluation conducted under this paragraph. Not later than 180 days after the expiration of the program under this section, the Secretary shall submit to Congress a final report on the results of such evaluation.

''(2) CONTENT.—The evaluation under paragraph (1) shall examine—

''(A) the program design under this section and the impact of the design on nurse faculty retention; and

''(B) options for continuing the program beyond fiscal year 2016.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—To fund Awards under subsection (e), there are authorized to be appropriated $1,875,000 for each of fiscal years 2008 through 2016.

''(2) ADMINISTRATIVE COSTS.—To carry out this section (except to fund Awards under subsection (e)), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2016.

''(3) SEPARATION OF FUNDS.—The Secretary shall ensure that the amounts appropriated pursuant to paragraph (1) are held in a separate account from the amounts appropriated pursuant to paragraph (2).''.

TITLE II—DISTANCE EDUCATION PILOT PROGRAM AND OTHER PROVISIONS TO INCREASE THE NURSING AND PHYSICAL THERAPY WORKFORCE

SEC. 201. INCREASING THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS.

(a) ESTABLISHMENT OF NURSE AND PHYSICAL THERAPISTS DISTANCE EDUCATION PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary''), in conjunction with the Secretary of Education, shall establish a Nurse and Physical Therapist Distance Education Pilot Program through which grants may be awarded for the conduct of activities to increase accessibility to nursing and physical therapy education.

(2) PURPOSE.—The purpose of the Nurse and Physical Therapist Distance Education Pilot Program established under paragraph (1) shall be to increase accessibility to nursing and physical therapy education to—

(A) provide assistance to individuals in rural areas who want to study nursing or physical therapy to enable such individuals to receive appropriate nursing education and physical therapy education;

(B) promote the study of nursing and physical therapy at all educational levels;

(C) establish additional slots for nursing and physical therapy students at existing accredited schools of nursing and physical therapy education programs; and

(D) establish new nursing and physical therapy education programs at institutions of higher education.

(3) APPLICATION.—To be eligible to receive a grant under the Pilot Program under paragraph (1), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) INCREASING THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS.—

(1) IN GENERAL.—Not later than January 1, 2008, the Secretary, in conjunction with the Secretary of Education, shall—

(A) submit to Congress a report concerning the country of origin or professional school of origin of newly licensed nurses and physical therapists in each State, that shall include—

(i) for the most recent 3-year period for which data is available—

(I) separate data relating to teachers at institutions of higher education for each related occupation who have been teaching for not more than 5 years; and

(II) separate data relating to all teachers at institutions of higher education for each related occupation regardless of length of service;

(ii) for the most recent 3-year period for which data is available, separate data for each related occupation and for each State;

(iii) a separate identification of those individuals receiving their initial professional license and those individuals licensed by endorsement from another State;

(iv) with respect to those individuals receiving their initial professional license in each year, a description of the number of individuals who received their professional education in the United States and the number of individuals who received such education outside the United States; and

(v) to the extent practicable, a description, by State of residence and country of education, of the number of nurses and physical therapists who were educated in any of the 5 countries (other than the United States) from which the most nurses and physical therapists arrived;

(B) in consultation with the Department of Labor, enter into a contract with the Institute of Medicine of the National Academy of Sciences for the conduct of a study and submission of a report that includes—

(i) a description of how the United States can balance health, education, labor, and immigration policies to meet the respective policy goals and ensure an adequate and well-trained nursing and physical therapy workforce;

(ii) a description of the barriers to increasing the supply of nursing and physical therapy faculty, domestically trained nurses, and domestically trained physical therapists;

(iii) recommendations of strategies to be utilized by Federal and State governments that would be effective in removing the barriers described in clause (ii), including strategies that address barriers to advancement to become registered nurses for other health care workers, such as home health aides and nurses assistants;

(iv) recommendations for amendments to Federal laws that would increase the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(v) recommendations for Federal grants, loans, and other incentives that would provide increases in nurse and physical therapist educators and training facilities, and other measures to increase the domestic education of new nurses and physical therapists;

(vi) an identification of the effects of nurse and physical therapist emigration on the health care systems in their countries of origin; and

(vii) recommendations for amendments to Federal law that would minimize the effects of health care shortages in the countries of origin from which immigrant nurses arrived; and

(C) collaborate with the heads of other Federal agencies, as appropriate, in working with ministers of health or other appropriate officials of the 5 countries from which the most nurses and physical therapists arrived into the United States, to—

(i) address health worker shortages caused by emigration; and

(ii) ensure that there is sufficient human resource planning or other technical assistance needed to reduce further health worker shortages in such countries.

(2) ACCESS TO DATA.—The Secretary shall grant the Institute of Medicine access to the data described under paragraph (1)(A), as such data becomes available to the Secretary for use by the Institute in carrying out the activities under paragraph (1)(B).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,400,000 to carry out paragraph (1)(B).

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1630. A bill to amend the Internal Revenue Code of 1986 to exclude certain tax-exempt financing of electric transmission facilities from the private business use test; to the Committee on Finance.

Mr. CRAPO. Mr. President, I am pleased to introduce today a bill to address the increasing need for electric power transmission in our country.

The Nation's network of transmission lines is the super-highway of the electric utility industry and the backbone of the electric grid. It serves as the means of moving large amounts of electricity continuously from powerplants to substations where it is distributed to homes and businesses.

A vibrant transmission system helps prevent reliability problems such as blackouts which have wreaked havoc in California, the Northeast, and the Midwest in the last 5 years. It enables regions rich in energy resources like wind, coal, natural gas, and hydropower, to export energy to power-starved regions of the country. It also serves as the engine of our Nation's economic well-being.

It has been widely acknowledged by Government and industry experts that investment in the transmission system has tapered off significantly and more investment is needed. Planning for the Nation's future electricity needs is a key consideration as adding transmission can take many years, even in the most streamlined process. Decisions on system enhancements needed in the next decade must be made today. As with other components of utility infrastructure, siting and building transmission lines is both difficult and very expensive, often costing much more than $1 million per mile.

Over the last two decades, transmission investment has decreased by $115 million a year, dropping from $5 billion annually in 1975 to $2 billion in 2000. The electric transmission line grid capacity has not been upgraded to meet growth demands, particularly in the rapidly growing West. In 2001, the estimated cost for infrastructure renewal was $1.3 trillion over a 5-year period. Today, that cost has risen to over $2 trillion.

Other investment barriers include lack of regional integrated planning and difficulty in siting new transmission lines. The process can involve acquiring land easements from property owners, and creating a cleared corridor, 70 to 100 feet wide and often many miles long. On top of all this is the uncertainty regarding investment risks and returns.

Adding large transmission lines also requires State regulatory approval, which involves significant permitting, research and modeling data, environmental information, cost comparisons, analyses of various options, discussions of scenarios and criteria used in evaluation, and other information.

Lack of new transmission directly affects the price of retail electricity as a decrease in available transmission lines leads to more limited access to electric generation plants. Any addition of powerplants, including nuclear facilities and renewables such as wind, would also require new transmission lines and facilities.

In short our Nation's economy and population are still growing, and so too are its power needs, but without new transmission, access to new power generation is static, which will in turn lead to rising retail and industrial power costs.

The Energy Policy Act of 2005 included several important provisions to encourage transmission investment. I believe there is more that we can do to accelerate the pace of investment in transmission infrastructure and to lower the cost of those investments.

My State of Idaho and several others have created State infrastructure authorities to finance and promote needed transmission investments. The creation of these State authorities is a new and innovative development that could be the appropriate catalyst for this needed investment. However, the full potential of these State authorities will not be realized under existing law.

As instrumentalities of the State, these authorities can issue tax-exempt bonds to finance transmission projects. But under current law, only a very limited number of industry participants such as other governmental entities, can use these facilities built with tax-exempt bonds. Clearly, we need a system in which new transmission facilities, regardless of the source of financing, are available for use by industry participants.

The legislation I am introducing today amends section 141 of the Internal Revenue Code to modify the so-called private use restrictions on tax-exempt financing of transmission facilities. Under this legislation, any issuer of tax-exempt bonds to finance transmission facilities would continue to be required to own the facilities. However, the operation or use of those facilities by a nongovernmental private party would not jeopardize the tax-exempt status of the bonds. As an example from my State, the Idaho Energy Resources Authority could issue tax-exempt bonds to finance a transmission line and all parties, private utilities, rural electric cooperatives, municipal utilities, independent power producers, could move power across that facility.

Thus, all segments of the industry benefit from new, low-cost investment in transmission. The basic requirement of section 141 that tax-exempt financed facilities serve a general public purpose and are owned by an eligible issuer is retained. And our whole Nation benefits from a transmission system that is more robust, reliable and cost effective.

My legislation sunsets in 5 years. This will provide Congress an opportunity to review the effectiveness and implications of this change in the code.

In addition to support for this proposal from various parties in Idaho, this concept has been endorsed by the Western Governors Association.

It is my hope that this commonsense proposal can be quickly enacted and that lower cost investments in the Nation's transmission grid can be made.

By Mr. KERRY (for himself and Ms. CANTWELL):

S. 1631. A bill to establish an emergency fuel assistance grant program for small businesses during energy emergencies; to the Committee on Environment and Public Works.

Mr. KERRY. Mr. President, last month, Americans emptied their wallets at the pump, paying record prices that reached $3.22 a gallon according to the Department of Energy's Energy Information Administration. This price represented a 28-percent increase over a period of just 2 months, and 52-percent increase since the end of January. Rising prices underscore the increased attention that small business owners are paying to this issue. According to a survey conducted by the National Small Business Association, NSBA, 62 percent of small businesses use vehicles for delivery or customer transportation, and a majority of those who use vehicles travel more than 50 mile a day.

According to the Energy Information Administration's June 12 update to the ''Short Term Energy Outlook,'' gas prices are expected to average $3.05 through the 2007 summer months, an increase of 21-cents over last summer's average price. Meanwhile, small businesses that operate close to the margin and that rely on vehicles every day to remain competitive are struggling to keep up.

These are the same businesses coping with considerable increases in the cost of providing their employees health care, the same burgeoning entrepreneurs that we count on to create roughly two-thirds of the new jobs in this country. These businesses can no longer be expected to shoulder a burden created by a Government that has been reluctant to shift its priorities from serving the same old special interests.

The good news is that right now, the Senate is debating legislation that would put the country on a clear path towards energy independence. In a single month, we could rewrite the shameful story of procrastination, manipulation and, most of all, failed leadership that has defined our energy policy for 30 years.

Democrats in the Senate are working to develop a comprehensive energy policy that will make America safer and will stabilize and lower fuel costs for small businesses and all Americans. But in order to effectively address energy security, the final legislation must include three components: 1. a major increase in the efficiency of all sources and uses of energy, from pick-up trucks to fluorescent light bulbs; 2. dramatic incentives for all renewable

energy sources, including the requirement that at least 20 percent of our energy come from renewable sources like wind and solar by 2020; and 3. a comprehensive plan to get clean coal technologies and carbon sequestration off the drawing board and under construction.

These are the first steps Congress must take to address the long term security and stability of this country's fuel supply. But there are other steps we can take in the short term to make sure our small businesses are protected against dramatic interruptions in fuel.

Today, I am introducing legislation that creates an emergency fuel assistance program for small businesses in the event of a severe fuel interruption. Under this program, small businesses and farms that rely on fuel as a key operating cost would be eligible to receive grants to help them stay afloat during periods of extraordinarily high gas prices. This program could go a long way toward helping businesses operating close to the margin deal with costs that are beyond their control.

Specifically, the Small Business Emergency Fuel Assistance Act of 2007 would create a program within the Economic Development Agency at the Department of Commerce to assist small businesses through State grants during declarations of fuel emergency. The program is triggered by a Presidential declaration of fuel emergency, and would authorize the Secretary of Commerce to give grants to States to provide assistance to fuel-dependent small businesses. Eligibility for these grants is restricted to businesses with fewer than 50 employees or less than $5 million in annual gross receipts. Furthermore, to ensure that these businesses are also contributing to America's energy conservation efforts, eligibility would be contingent upon a business having a plan to become more energy efficient. The program would be authorized at $100 million per year, for 5 years.

For too long, we have asked Americans to put up with an energy supply that is unstable and flat out dangerous. The path to energy security, a path that is being cut in the Senate as we speak, will lead to stability and lower prices at the pump. In the meantime, this is a commonsense policy to aid our small business and small farm owners in the short term, so that they can continue to do what they do best, grow the American economy.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Emergency Fuel Assistance Act of 2007''.

SEC. 2. EMERGENCY FUEL ASSISTANCE PROGRAM.

There is established within the Economic Development Administration of the Department of Commerce, an emergency assistance program for small businesses and small farms dependent on fuel.

SEC. 3. PRESIDENTIAL DECLARATION OF ENERGY EMERGENCY.

(a) IN GENERAL.—If the President determines that the health, safety, welfare, or economic well-being of the citizens of the United States is at risk because of a shortage or imminent shortage of adequate supplies of crude oil, gasoline or petroleum distillates due to a disruption in the national distribution system for crude oil, gasoline or petroleum distillates (including such a shortage related to a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2))), or significant pricing anomalies in national energy markets for crude oil, gasoline, or petroleum distillates, the President may declare that a Federal energy emergency exists.

(b) SCOPE AND DURATION.—The emergency declaration declared pursuant to subsection (a) shall specify—

(1) the period, not to exceed 30 days, for which the declaration applies;

(2) the circumstance or condition necessitating the declaration; and

(3) the area or region to which it applies which may not be limited to a single State; and

(4) the product or products to which it applies.

(c) EXTENSIONS.—The President may—

(1) extend a declaration under subsection (a) for a period of not more than 30 days;

(2) extend such a declaration more than once; and

(3) discontinue such a declaration before its expiration.

SEC. 4. AUTHORIZATION OF GRANTS.

(a) IN GENERAL.—During any energy emergency declared by the President under section 3, the Secretary of Commerce is authorized to award grants to States under a declaration of fuel supply interruption in accordance with this Act.

(b) ALLOCATION FORMULA.—Subject to subsection (c), the Secretary shall award grants to States, in accordance with an allocation formula established by the Secretary, that is based on the pro rata share of each State of the total need among all States, as applicable, for emergency assistance for fuel interruption, as determined on the basis of—

(1) the number and percentage of qualifying small businesses and small farms operating within a State;

(2) the increase in price of fuel in a State; and

(3) such other factors as the Secretary determines to be appropriate.

(c) STATE ALLOCATION PLAN.—Each State shall establish, after giving notice to the public, an opportunity for public comment, and consideration of public comments received, an allocation plan for the distribution of financial assistance under this section, which shall be submitted to the Secretary and shall be made available to the public by the State, and shall include—

(1) application requirements for qualifying small businesses and small farms seeking to receive financial assistance under this section, including a requirement that each application include—

(A) demonstration of need for assistance under this section;

(B) a plan to decrease the total commercial energy usage of the small business through energy efficiency measures, such as those promoted through the Energy Star Program; and

(C) if a small business or small farm has previously received assistance under this section, evidence that the small business or small farm has implemented the plan previously documented under subparagraph (B); and

(2) factors for selecting among small businesses and small farms that meet the application requirements, with preference given to small businesses and small farms based on the percentage of operating costs expended on fuel.

SEC. 5. ELIGIBILITY.

A small business or small farm is eligible for a grant under this Act if—

(a) the average gross receipts of the small business or small farm for the 3 preceding taxable years does not exceed $5,000,000; or

(b) the small business or small farm employed an average of more than 1 and fewer than 50 qualified employees on business days during the preceding taxable year.

SEC. 6. DEFINED TERM.

In this Act, the term ''aggregate gross assets'' has the meaning given such term in section 1202(d)(2) of the Internal Revenue Code of 1986.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Commerce $100,000,000 for each of the fiscal years 2008 through 2012 to carry out this Act.

By Ms. SNOWE:

S. 1632. A bill to ensure that vessels of the United States conveyed to eligible recipients for educational, cultural, historical, charitable, recreational, or other public purposes are maintained and utilized for the purposes for which they were conveyed; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce the Vessel Conveyance Act, a bill which would prevent inappropriate transfers of surplus United States vessels to nongovernmental organizations.

It has recently come to my attention that two decommissioned U.S. Coast Guard ships that had been conveyed in legislation to a certain charitable organization are no longer being used for the purpose explicitly stated by law. In fact, the ships are no longer in the organization's possession. Unaware of the costs affiliated with maintenance of the ships, the recipient found itself unable to afford the upkeep. Against the spirit, if not the letter, of the law, the charity sold first one, and then the second ship, and pocketed the proceeds, which totaled $415,000.

Though the U.S. General Services Administration has a process in place for disposal of surplus vessels, I understand the value of dedicated vessel conveyances under certain circumstances. But we must recognize that these assets are the property of the American people, and they represent a significant investment of public funds. When Congress acts to convey such valuable items to a private entity, it also conveys the responsibility to use the vessel for a specific purpose. In cases where that responsibility has not been carried out, we must be able to seek recourse, and this bill would provide that tool.

Specifically, this legislation would expressly prohibit the recipient of a conveyed vessel from either selling it, or using it for commercial purposes. It would require the Administrator of the GSA to monitor conveyed vessels the same way he monitors ships dispersed under the standard GSA process to ensure that they are being used appropriately, and it gives her the power to reclaim the ship if she determines that those conditions have been violated. The bill would also eliminate the possibility of transfer to an organization lacking sufficient financial stability to maintain a given vessel. Finally, it includes civil enforcement provisions making recipients liable for fines of up to $10,000 per day that they are in violation of their conveyance agreement.

On the rare occasions when Congress determines that a certain asset is uniquely suited to assist a worthy and capable organization, I do not oppose a legislative conveyance. But I will not allow any organization to fleece the American taxpayers by biting the hand that has provided such a generous gift. I am pleased to introduce this bill today, and I urge my colleagues to support it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no ojection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Vessel Conveyance Act''.

SEC. 2. CONVEYANCE OF UNITED STATES VESSELS FOR PUBLIC PURPOSES.

(a) IN GENERAL.—The conveyance of a United States Government vessel to an eligible entity for use as an educational, cultural, historical, charitable, or recreational or other public purpose shall be made subject to any conditions, including the reservation of such rights on behalf of the United States, as the Secretary considers necessary to ensure that the vessel will be maintained and used in accordance with the purposes for which it was conveyed, including conditions necessary to ensure that unless approved by the Secretary—

(1) the eligible entity to which the vessel is conveyed may not sell, convey, assign, exchange, or encumber the vessel, any part thereof, or any associated historic artifact conveyed to the eligible entity in conjunction with the vessel; and

(2) the eligible entity to which the vessel is conveyed may not conduct any commercial activities at the vessel, any part thereof, or in connection with any associated historic artifact conveyed to the eligible entity in conjunction with the vessel, in any manner.

(b) REVERSION.—In addition to any term or condition established pursuant to this section, the conveyance of a United States Government vessel shall include a condition that the vessel, or any associated historic artifact conveyed to the eligible entity in conjunction with the vessel, at the option of the Secretary, shall revert to the United States and be placed under the administrative control of the Administrator if, without approval of the Secretary—

(1) the vessel, any part thereof, or any associated historic artifact ceases to be available for the educational, cultural, historical, charitable, or recreational or other public purpose for which it was conveyed under reasonable conditions which shall be set forth in the eligible entity's application;

(2) the vessel or any part thereof ceases to be maintained in a manner consistent with the commitments made by the eligible entity to which it was conveyed;

(3) the eligible entity to which the vessel is conveyed, sells, conveys, assigns, exchanges, or encumbers the vessel, any part thereof, or any associated historic artifact; or

(4) the eligible entity to which the vessel is conveyed, conducts any commercial activities at the vessel, any part thereof, or in conjunction with any associated historic artifact.

(c) AGREEMENT REQUIRED.—Except as may be otherwise explicitly provided by statute, a United States Government vessel may not be conveyed to an entity unless that entity agrees to comply with any terms or conditions imposed on the conveyance under this section.

(d) RECORDS AND MONITORING.—

(1) COMPILATION AND TRANSFER.—The Secretary shall provide a written or electronic record for each vessel conveyed pursuant to the Secretary's authority, including the vessel registration, the application for conveyance, the terms and conditions of conveyance, and any other documents associated with the conveyance, and any post-conveyance correspondence or other documentation, to the Administrator.

(2) MONITORING.—For a period not less than 5 years after the date of conveyance the Administrator shall monitor the eligible entity's use of the vessel conveyed to ensure that the vessel is being used in accordance with the purpose for which it was conveyed. The Administrator shall create a written or electronic record of such monitoring activities and their findings.

(3) MAINTENANCE.—The Administrator shall maintain vessel conveyance records provided under paragraph (1), and monitoring records created under paragraph (2), on each vessel conveyed until such time as the vessel is destroyed, scuttled, recycled, or otherwise disposed of. The Administrator may make the records available to the public.

(e) COST ESTIMATES.—The Secretary may provide an estimate to an eligible entity of the cost of maintaining and operating any vessel to be conveyed to that entity.

(f) GUIDANCE.—The Secretary may issue guidance concerning the types and extent of commercial activities, including the sale of goods or services incidental to, and consistent with, the purposes for which a vessel was conveyed, that are approved by the Secretary for purposes of subsections (a)(2) and (b)(4) of this section.

SEC. 3. WORKING GROUP ON CONVEYANCE OF UNITED STATES VESSELS.

Within 180 days after the date of enactment of this Act, the Secretary of Transportation shall convene a working group, composed of representatives from the Maritime Administration, the Coast Guard, and the United States Navy to review and to make recommendations on a common set of conditions for the conveyance of vessels of the United States to eligible entities (as defined in section 2(d)(2)). The Secretary may request the participation of senior representatives of any other Federal department or agency, as appropriate.

SEC. 4. CIVIL ENFORCEMENT OF CONVEYANCE CONDITIONS.

(a) CIVIL ADMINISTRATIVE PENALTIES.—

(1) Any eligible entity found by the Secretary, after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have failed to comply with the terms and conditions under which a vessel was conveyed to it shall be liable to the United States for a civil penalty. The amount of the civil penalty under this paragraph shall not exceed $10,000 for each violation. Each day of a continuing violation shall constitute a separate violation.

(2) COMPROMISE OR OTHER ACTION BY THE SECRETARY.—The Secretary may compromise, modify, or remit, with or without conditions, any civil administrative penalty imposed under this section that has not been referred to the Attorney General for further enforcement action.

(b) HEARING.—For the purposes of conducting any investigation or hearing under this section, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contempt or refusal to obey a subpoena served upon any person pursuant to this subsection, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof. Nothing in this Act shall be construed to grant jurisdiction to a district court to entertain an application for an order to enforce a subpoena issued by the Secretary of Commerce to the Federal Government or any entity thereof.

(c) JURISDICTION.—The United States district courts shall have original jurisdiction of any action under this section arising out of or in connection with the operation, maintenance, or disposition of a conveyed vessel, and proceedings with respect to any such action may be instituted in the judicial district in which any defendant resides or may be found. For the purpose of this section, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii.

(d) COLLECTION.—If an eligible entity fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the matter may be referred to the Attorney General, who may recover the amount (plus interest at currently prevailing rates from the date of the final order). In such action the validity, amount, and appropriateness of the final order imposing the civil penalty shall not be subject to review. Any eligible entity that fails to pay, on a timely basis, the amount of an assessment of a civil penalty shall be required to pay, in addition to such amount and interest, attorney's fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such the entity's penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.

(e) NATIONWIDE SERVICE OF PROCESS.—In any action by the United States under this Act, process may be served in any district where the defendant is found, resides, transacts business or has appointed an agent for the service of process, and for civil cases may also be served in a place not within the United States in accordance with Rule 4 of the Federal Rules of Civil Procedure.

SEC. 5. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means a State or local government, nonprofit corporation, educational agency, community development organization, or other entity that agrees to comply with the conditions established under this section.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the department or agency on whose authority a vessel is conveyed to an eligible entity.

(4) UNITED STATES GOVERNMENT VESSEL.—The term ''United States government vessel'' means a vessel owned by the United States Government.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. ALLARD, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Ms. CANTWELL, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CORNYN, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. ENSIGN, Mr. FEINGOLD, Mr. HAGEL, Mr. HARKIN, Mrs. HUTCHISON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. OBAMA, Mr. REID, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. VOINOVICH, Mr. WHITEHOUSE, and Mr. WYDEN:)

S.J. Res. 16. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, earlier this year, while the Senate was resuming its business in a new Congress, two dozen families on the other side of the world were fleeing their homes. Ninety-four men and women, some young some old, grabbed whatever belongings they could carry and headed north along the eastern Burmese border to escape the torment of a brutal regime.

Human rights officials tell us what happened next. Late last month, these families were forced to move again. And as I stand here today, they are cramped inside the homes of other refugees. We are looking forward to summer vacations. They are looking ahead at the bitter work of building new homes in the rain, with their hands, in a remote corner of a stark, isolated wasteland the world seems to have forgotten.

Mr. President, I am here to report that the United States has not forgotten. We will continue to shine a light on the oppressive and illegitimate military regime that drove these families from their homes. And I will rise every year, as I do today, with my good friend the senior Senator from California, to reintroduce a bill that extends for another year a ban on imports from Burma.

Republicans and Democrats work together proudly on some things in the Senate. The Burmese Freedom and Democracy Act is one of them. I am pleased to say that even though the control of Congress has changed, its commitment to the people of Burma has not. Senator FEINSTEIN and I are joined this year by 57 cosponsors, more than last year and the year before that. On the Republican side, for example, the people of Burma have no better friend than the senior Senator from Arizona, Mr. MCCAIN.

Support for the people of Burma is growing on Capitol Hill. Senator FEINSTEIN and the senior Senator from Texas recently formed the Women's Caucus on Burma. The First Lady attended its first meeting last month, adding her voice to a growing chorus of those opposed to the Burmese regime. The voices are not just coming from Washington. But the words and actions of Washington are beginning to cause others to take note of this dire situation.

Last year, the United Nations Security Council agreed for the first time to put Burma on its agenda. In January, a U.N. Security Council resolution that enjoyed the support of a majority of the Council's member nations was unfortunately blocked by Russian and Chinese vetoes. We remain encouraged by the fact that nine countries agreed to hold the regime accountable. We urge Russia and China to reconsider their stance.

We know others are beginning to notice Burma because 3 years ago the Association of Southeast Asian nations called the sufferings in Burma ''an internal matter.'' Yet today ASEAN recognizes that the ''Burma problem'' is its problem, too.

Southeast Asian leaders have spoken out more frequently and forcefully over the last year in calling for democratic reforms. They join the United States and other freedom-loving people who have demanded for years that the military thugs who control Burma loosen their grip.

We know others are starting taking notice because earlier this year the United Nations Secretary General, Ban ki-Moon, urged the release of Burma's roughly 1,300 political prisoners, including the world's only imprisoned Nobel Laureate, Aung San Suu Kyi.

And we know others are starting to take notice because that effort was followed by a letter signed by 59 former heads of state.

The Burmese military regime, the State Peace and Development Council, is on notice: the wider international community, including its neighbors, are increasingly aware and increasingly outraged by its behavior.

Mr. President, The purpose of sanctions is to change behavior. And the changes we seek, in partnership with the Burmese people, are these: concrete, irreversible steps toward reconciliation and democratization that include the full, unfettered participation of the National League for Democracy and ethnic minorities; ending attacks on ethnic minorities; and the immediate, unconditional release of all prisoners of conscience, including Suu Kyi. The regime also needs to know that a sham constitutional process and token prisoner releases will not be regarded by anyone as progress toward these goals.

The argument against sanctions—that they are most harmful to those they are meant to help—is well known. But it does not apply to Burma. It has long been the policy of the NLD, the winner of Burma's last democratic election, to seek reform through sanctions against the current regime.

And for good reason. Burma's military junta has maintained an iron grip on every aspect of the country's economy. Its leaders flaunt and squander whatever wealth they can squeeze from Burmese workers, leaving the country's economy in ruins—but leaving enough aside for its current leader, GEN Than Shwe, to impulsively relocate the Burmese capital from Rangoon at a cost of millions, or to throw a wedding for his daughter that is reported to have cost millions more.

The military junta has complete control over the flow of goods and money in and out of Burma. And every dollar that is spent on Burmese products is money spent on financing the regime. It is the SPDC, not the allies of the Burmese people, who are responsible for Burma's economic woes.

As diplomatic pressure intensifies, as the rest of the international community undertakes the kind of change we have seen in ASEAN, the supporters of the Burmese Freedom and Democracy Act are confident this regime will be forced to change its ways.

The situation is urgent. Burma's military regime has become increasingly reckless. And the humanitarian situation is grave and deteriorating: the junta has intensified its abuse of minority groups through rape and forced labor. It continues to harass and detain a new generation of peaceful activists, activists like a young woman named Su Su Nway, who has inspired the world with her resolute defiance of forced labor practices.

In standing up to the Burmese regime, Su Su Nway drew inspiration from Suu Kyi. Now she is inspiring another generation of Burmese activists who are willing to defend their rights and, despite the danger to themselves, refuse to remain silent in the face of the abuses they see.

According to the Los Angeles Times, Su Su Nway was asked by a radio reporter last year whether she feared imprisonment. Her simple but eloquent response should give us hope in the determination of this new generation of

activists. ''I will stand for the truth,'' she said.

The crimes of the Burmese government are well documented. Here is what we know: nearly 70,000 children have been taken from their homes and forcibly conscripted—that's more children than live in all of Lexington, the second-largest city in my State.

Forced labor is a daily threat in the southeastern Karen State, where military personnel force villagers to build roads and shelters, without food or pay, and to leave their homes and farms to do the work. Some are used as human shields against democratic insurgents.

These are the lucky ones. Others are forced to walk ahead of military convoys to act as human minesweepers. If there is a landmine, they blow up. It is from diabolical thugs like these that desperate, exhausted families are fleeing their homes.

Drugs and disease are spreading across Burma's borders along with its people, and it is no secret why. According to the World Health Organization, Burma is home to one of the worst AIDS epidemics in Southeast Asia. Yet it spent just $137,000 last year on the care and treatment of people with HIV/AIDS, even as it spends countless millions on Chinese and Russian tanks and jets.

You can tell a lot about a man from the company he keeps. We could say the same about governments. In late April, Burma established diplomatic relations with the government of North Korea for the first time in two decades. It was reported last month that a North Korean cargo ship docked in Burma. This is a disturbing development to those of us on the outside looking in. It can only be discouraging to democratic reformers inside Burma.

News of North Korea's presence on the Burmese coast came shortly after another troubling piece of news. In early April, Burma's second in command led a delegation on the nation's first-ever high-level trip to Russia. And last month, the Burmese government announced an agreement with Russia to build a nuclear research reactor in Burma.

This should send a chill up the spine of every one of us. Even peaceful nations that lack the proper legal and regulatory framework should not be allowed to have a nuclear program. Those that torture and abuse their own people and consort with rogue regimes such as North Korea should not be allowed to even contemplate it.

And this is how this rogue regime has held onto its power: Internal efforts at reform are violently stamped out, as they were when thousands of peaceful prodemocracy protesters were slaughtered in 1988. In response to a national election in 1990, in which Suu Kyi's party, the NLD, won 80 percent of the seats in a new parliament, the regime simply threw out the results.

By refusing to accept imports from a regime that terrorizes people like Suu Kyi, Su Su Nway, and so many others, we are standing up and facing these tyrants at our own borders and turning them back—until they release these prisoners and begin the process of democratization and reconciliation. Every dollar we keep out of the hands of this junta is one less dollar it can use to fund the conscription of children, its nuclear program, and the war it has waged against its own people for nearly two decades.

Later this month, Suu Kyi will celebrate her 62nd birthday, alone. I urge my colleagues to stand with her as that day approaches. By denying support for those who imprison her, we will pressure them to change.

There are fresh signs that these sanctions have begun to do their work. But we need to keep the pressure on. So I ask my colleagues to join me in supporting the Burmese Freedom and Democracy Act.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

S.J. RES. 16

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress approves the renewal of the import restrictions contained in section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator MCCONNELL and 54 of our colleagues to introduce a joint resolution renewing the ban on all imports from Burma for another year.

Simply put, the ruling State Peace and Development Council—SPDC—has not taken the necessary actions to warrant a lifting of the sanctions at this time.

Indeed, Burma represents one of the most critical human rights situations in the world today.

Aung San Suu Kyi, Nobel Peace Prize recipient and leader of the National League for Democracy, is confined to her home by orders of the military junta.

She has spent the better part of the past 17 years imprisoned or under house arrest and on May 25, 2003 her sentence was extended for another year.

There is no indication that the regime will free her anytime soon.

This is simply unacceptable. She should be released immediately and unconditionally and the regime should begin real and substantive national reconciliation talks with Suu Kyi's National League for Democracy—NLD.

The NLD, the winning party in Burma's last free elections in 1990 with 82 percent of the seats in parliament, is forbidden from participating in public life. For over 20 years, the military junta has been unwilling to take meaningful steps towards political reconciliation.

And let us not forget: 4 years ago government sponsored thugs attempted to assassinate Suu Kyi and other members of the National League for Democracy by attacking her motorcade in northern Burma.

Indeed, the human rights situation in Burma is deplorable and demands a clear, unified response from the international community: 1,300 political prisoners are still in jail; according to the U.N. Special Rapporteur, over 3,000 villages have been destroyed by the military junta; 70,000 child soldiers have been forcibly recruited; over 500,000 people are internally displaced in Burma today, and over 1 million people have fled Burma over the past two decades, destabilizing Burma's neighbors. Also, the practice of rape as a form of repression has been sanctioned by the Burmese military; use of forced labor is widespread; human trafficking is rampant; Burma is the world's second-largest opium producer after Afghanistan and increasingly a source of trafficking of synthetic narcotics.

Some may argue that while the human rights situation is indeed deplorable, sanctions are not the proper solution and we should try a new course.

I agree that sanctions are not a panacea for every foreign policy concern. I am disappointed that Aung San Suu Kyi remains under house arrest and we still have not realized our goal of a free and democratic Burma.

Yet now is not the time to lift the import ban on Burma. First, the military junta has not fulfilled any of the obligations of the ''Burmese Freedom and Democracy Act of 2003'' that would allow a lifting of the ban. It has not made ''substantial and measurable progress'' towards: ending violations of internationally recognized human rights; releasing all political prisoners; allowing freedom of speech and press; allowing freedom of association; permitting the peaceful exercise of religion and; bringing to a conclusion an agreement between the SPDC and the National League for Democracy and Burma's ethnic nationalities on the restoration of a democratic government.

If we were to allow the import ban to expire, we would reward the military junta for its inaction, its failure to fulfill these basic obligations, and its continued brutal crackdown on the human rights of the citizens of Burma.

We simply cannot afford to send that message to those who bravely stand up to the SPDC and reject their abuses.

I remind my colleagues that we are not voting to enact the import ban in perpetuity.

We are renewing it for one more year and we will have another opportunity to review its effectiveness next year.

Second, Aung San Suu Kyi and the democratic opposition continue to support the import ban.

They recognize that it is not directed at the people of Burma, but at the military junta that dominates economic and political activity in their country and denies them their rights.

Third, we are seeing progress in the international community in putting additional pressure on Burma.

In a recent letter addressed to the State Peace and Development Council, a distinguished group of 59 former heads of state—including former Filipino president Corazon Aquino, former Czech president Vaclav Havel, former British prime minister John Major and former Presidents Bill Clinton, Jimmy Carter, and George H.W. Bush—called for the regime to release Aung San Suu Kyi.

They correctly noted that ''Aung San Suu Kyi is not calling for revolution in Burma, but rather peaceful, nonviolent dialogue between the military, National League for Democracy, and Burma's ethnic groups.''

The calls for Suu Kyi's release are also coming from Burma's neighbors.

The Association of Southeast Asian Nations—ASEAN—now recognizes that Burma's actions are not an ''internal matter'' but a significant threat to peace and stability in the region.

At a meeting of senior diplomats last month, ASEAN made a clear call for Aung San Suu Kyi's release.

As Philippine foreign under secretary Erlinda Basilio said: ''It's a consensus that we want to see her early release.''

An editorial in the Jakarta Post recently commented that the regime's refusal to heed these calls ''shows its complete disregard for the growing values of ASEAN.'' That is from the Jakarta Post, May 29, 2007.

We are also seeing progress at the United Nations. In January, for the first time, the United Nations debated a binding, non-punitive resolution on Burma.

Among other things that resolution called on the military junta:

> . . . to take concrete steps to allow full freedom of expression, association, and movement by unconditionally releasing Daw Aung San Suu Kyi and all political prisoners, lifting all constraints on all political leaders and citizens, and allowing the National League for Democracy (NLD) and other political parties to operate freely.

While nine countries voted in favor of the resolution, I am extremely disappointed that China and Russia exercised their veto.

A report by former Czech President Vaclav Havel and retired archbishop Desmond Tutu of South Africa—''Threat to Peace: A Call for the U.N. Security Council to Act on Burma''—confirms the need for U.N. intervention. It details how the situation in Burma fulfills each of the criteria used for past intervention by the Security Council: overthrow of an elected government; armed conflicts with ethnic minorities; widespread human rights violations; outflow of refugees—over 700,000; and drug production and trafficking and the spread of HIV/AIDS.

I firmly believe that momentum for United Nations Security Council action is on our side and I am confident that body will revisit this resolution again this year.

I am also hopeful that the new United Nations Secretary General Ban Ki-moon will personally get involved in putting pressure on the military junta to respect the wishes of the people of Burma and the international community by releasing Aung San Suu Kyi and restoring democratic government.

In a letter signed by myself, Senator MCCONNELL and a bipartisan group of 43 other U.S. Senators we wrote:

> We urge you to personally intervene with the regime on a regular basis to establish concrete benchmarks and timetables for democratic progress in Burma. We also urge you to hold the Burmese government accountable for achieving those goals. The Burmese people deserve more than talk—they deserve action.

We can demonstrate to the Secretary General that we too are committed to action by passing this joint resolution promptly.

In conclusion, let me say that I believe the women of the U.S. Senate have a special obligation to speak out on this issue. Last month we came together to form the United States Senate Women's Caucus on Burma and hold our inaugural event with First Lady Laura Bush. I am proud to co-chair that caucus with my friend and colleague from Texas, Senator KAY BAILEY HUTCHISON. Together we expressed our solidarity with Aung San Suu Kyi and called for her immediate and unconditional release so that a peaceful transition to a democratic government may begin.

It is my great hope that one day the United States Senate Women's Caucus on Burma will welcome Aung San Suu Kyi to Washington, DC, as the woman who led her nation from repression to freedom.

Archbishop Desmond Tutu has rightly said, ''As long as [Suu Kyi] remains under house arrest, not one of us is truly free.''

Today, I urge the State Peace and Development Council to release Aung San Suu Kyi immediately and unconditionally.

I urge the United Nations Security Council to pass a binding resolution on Burma.

And I urge the U.S. Senate to pass this joint resolution to renew the import ban on Burma for another year.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 235—DESIGNATING JULY 1, 2007, AS ''NATIONAL BOATING DAY''

Mr. WHITEHOUSE (for himself and Mr. VITTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 235

Whereas the United States boating population exceeds 73,000,000 individuals utilizing and enjoying nearly 18,000,000 recreational watercraft;

Whereas the recreational boating industry provides more than $39,000,000,000 in sales and services to the United States economy and provides nearly 380,000 manufacturing jobs;

Whereas there are approximately 1,400 active boat builders in the United States with parts and materials being contributed from all fifty States;

Whereas boating appeals to all age groups and is a haven for relaxation that includes sailing, diving, fishing, water skiing, tubing, sightseeing, swimming, and more;

Whereas boaters serve as monitors and stewards of the environment, educating future generations in the value of this country's abundant water and other natural resources; and

Whereas Congress passed the Federal Boat Safety Act of 1971 and later created the Aquatic Resources Trust Fund in 1984, both of these actions having resulted in a decline in the rate of boating injuries: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 1, 2007, as ''National Boating Day'';

(2) recognizes the value of recreational boating and commemorates the boating industry of the United States for its environmental stewardship and innumerable contributions to the economy and to the mental and physical health of those who enjoy boats; and

(3) urges citizens, policy makers, and elected officials to celebrate National Boating Day and to become more aware of the overall contributions of boating to the lives of the people of the United States and to the Nation.

SENATE RESOLUTION 236—SUPPORTING THE GOALS AND IDEALS OF THE NATIONAL ANTHEM PROJECT, WHICH HAS WORKED TO RESTORE AMERICA'S VOICE BY RE-TEACHING AMERICANS TO SING THE NATIONAL ANTHEM

Mr. BAYH (for himself, Mr. CRAIG, Mr. KENNEDY, Mr. HAGEL, Mr. CRAPO, Mr. NELSON of Nebraska, Mr. CARDIN, Mr. BYRD, Mr. DURBIN, Ms. SNOWE, Mr. ROBERTS, Mr. LOTT, Mr. COLEMAN, Mr. MENENDEZ, and Mr. AKAKA) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 236

Whereas a Harris Interactive Survey discovered that of men and women 18 years of age and older, 61 percent of those surveyed did not know all the lyrics of the first stanza of the national anthem, and of those who answered the question affirmatively, 58 percent had received at least 5 years of music education while growing up;

Whereas an ABC News poll revealed that more than 1 in 3 Americans (38 percent) do not know that the official name of the national anthem is ''The Star-Spangled Banner'', less than 35 percent of American teenagers can name Francis Scott Key as the author of the national anthem, and as few as 15 percent of American youth can sing the words to the anthem from memory;

Whereas the national anthem, ''The Star-Spangled Banner'', holds a special place in the hearts and minds of the American people as a symbol of national unity, resolve, and willingness to sacrifice in order to preserve the Nation's sacred heritage of freedom;

Whereas the National Anthem Project has inspired the American people to have a greater appreciation of their patriotic musical heritage while learning American history;

Whereas music educators are the among the leading caretakers of this important piece of our Nation's heritage, in that many students learn the national anthem in music class;

Whereas our Nation's future is enhanced by the quality of the historic knowledge and awareness provided to children of all ages through learning about the national anthem, and that high-quality music education represents a worthy commitment to our children and our Nation's future; and

Whereas, the national anthem is the symbol of American ideals and freedom around the world: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of the National Anthem Project;

(2) commends the American citizens who have participated in this project; and

(3) encourages the people of the United States to learn the national anthem, ''The Star-Spangled Banner'', and its proud history.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1562. Mr. DORGAN (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1563. Mr. DORGAN (for himself, Mr. CRAIG, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1564. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1565. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H .R. 6, supra; which was ordered to lie on the table.

SA 1566. Mr. WARNER proposed an amendment to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra.

SA 1567. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1568. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1569. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1570. Mr. INHOFE (for himself, Mr. THUNE, and Mr. CRAIG) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1571. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1572. Mr. SALAZAR (for himself, Mr. BAYH, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, Ms. CANTWELL, Mrs. LINCOLN, Mrs. CLINTON, Mr. BIDEN, Ms. KLOBUCHAR, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra.

SA 1573. Ms. KLOBUCHAR (for Mr. BINGAMAN (for himself, Mr. REID, Mr. CARDIN, and Mr. SALAZAR)) proposed an amendment to amendment SA 1537 proposed by Mr. REID (for Mr. BINGAMAN (for himself, Mr. REID, Mr. CARDIN, Mr. SALAZAR, Ms. SNOWE, and Mr. DURBIN)) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra.

SA 1574. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1575. Mr. VOINOVICH (for himself, Mr. CARPER, and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1576. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1577. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1578. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, and Mrs. DOLE) proposed an amendment to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra.

SA 1579. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1580. Mr. BAYH (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1581. Mr. GREGG (for himself, Mrs. FEINSTEIN, Mr. SUNUNU, Mr. KYL, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1582. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1583. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1584. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1585. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 1566 proposed by Mr. WARNER to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1586. Mr. TESTER (for himself, Mr. BINGAMAN, Mr. REID, Ms. MURKOWSKI, Mr. STEVENS, Mr. SALAZAR, Mr. AKAKA, Mr. SANDERS, Ms. SNOWE, and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1587. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1588. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1589. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1590. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1591. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1592. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table .

SA 1593. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1594. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1595. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1596. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1597. Mr. INOUYE (for himself and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1598. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1599. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1600. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1601. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1602. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1603. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1604. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1605. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to

the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1606. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1607. Mr. GREGG (for himself, Mrs. FEINSTEIN, Mr. SUNUNU, Mr. KYL, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1608. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1609. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1562. Mr. DORGAN (for himself, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—OUTER CONTINENTAL SHELF RESOURCES

SEC. 801. SHORT TITLE.

This title may be cited as the ''Domestic Offshore Energy Security Act''.

SEC. 802. DEVELOPMENT AND INVENTORY OF CERTAIN OUTER CONTINENTAL SHELF RESOURCES.

(a) DEFINITION OF UNITED STATES PERSON.—In this section, the term ''United States person'' means—

(1) any United States citizen or alien lawfully admitted for permanent residence in the United States; and

(2) any person other than an individual, if 1 or more individuals described in paragraph (1) own or control at least 51 percent of the securities or other equity interest in the person.

(b) AUTHORIZATION OF ACTIVITIES AND EXPORTS INVOLVING HYDROCARBON RESOURCES BY UNITED STATES PERSONS.—Notwithstanding any other provision of law (including a regulation), United States persons (including agents and affiliates of those United States persons) may—

(1) engage in any transaction necessary for the exploration for and extraction of hydrocarbon resources from any portion of any foreign exclusive economic zone that is contiguous to the exclusive economic zone of the United States; and

(2) export without license authority all equipment necessary for the exploration for or extraction of hydrocarbon resources described in paragraph (1).

(c) TRAVEL IN CONNECTION WITH AUTHORIZED HYDROCARBON EXPLORATION AND EXTRACTION ACTIVITIES.—Section 910 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7209) is amended by inserting after subsection (b) the following:

''(c) GENERAL LICENSE AUTHORITY FOR TRAVEL-RELATED EXPENDITURES BY PERSONS ENGAGING IN HYDROCARBON EXPLORATION AND EXTRACTION ACTIVITIES.—

''(1) IN GENERAL.—The Secretary of the Treasury shall, authorize under a general license the travel-related transactions listed in section 515.560(c) of title 31, Code of Federal Regulations, for travel to, from or within Cuba in connection with exploration for and the extraction of hydrocarbon resources in any part of a foreign maritime Exclusive Economic Zone that is contiguous to the United States' Exclusive Economic Zone.

''(2) PERSONS AUTHORIZED.—Persons authorized to travel to Cuba under this section include full-time employees, executives, agents, and consultants of oil and gas producers, distributors, and shippers.''.

(d) MORATORIUM OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE GULF OF MEXICO.—

(1) IN GENERAL.—Section 104(a) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended—

(A) by striking paragraph (1);

(B) in paragraph (2), by striking ''125 miles'' and inserting ''45 miles'';

(C) in paragraph (3), by striking ''100 miles'' each place it appears and inserting ''45 miles''; and

(D) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(2) REGULATIONS.—

(A) IN GENERAL.—The Secretary of the Interior shall promulgate regulations that establish appropriate environmental safeguards for the exploration and production of oil and natural gas on the outer Continental Shelf.

(B) MINIMUM REQUIREMENTS.—At a minimum, the regulations shall include—

(i) provisions requiring surety bonds of sufficient value to ensure the mitigation of any foreseeable incident;

(ii) provisions assigning liability to the leaseholder in the event of an incident causing damage or loss, regardless of the negligence of the leaseholder or lack of negligence;

(iii) provisions no less stringent than those contained in the Spill Prevention, Control, and Countermeasure regulations promulgated under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.);

(iv) provisions ensuring that—

(I) no facility for the exploration or production of resources is visible to the unassisted eye from any shore of any coastal State; and

(II) the impact of offshore production facilities on coastal vistas is otherwise mitigated;

(v) provisions to ensure, to the maximum extent practicable, that exploration and production activities will result in no significant adverse effect on fish or wildlife (including habitat), subsistence resources, or the environment; and

(vi) provisions that will impose seasonal limitations on activity to protect breeding, spawning, and wildlife migration patterns.

(3) CONFORMING AMENDMENT.—Section 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54; 119 Stat. 521) (as amended by section 103(d) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432)) is amended by inserting ''and any other area that the Secretary of the Interior may offer for leasing, preleasing, or any related activity under section 104 of that Act'' after ''2006)''.

(e) INVENTORY OF OUTER CONTINENTAL SHELF OIL AND NATURAL GAS RESOURCES OFF SOUTHEASTERN COAST OF THE UNITED STATES.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this subsection as the ''Secretary'') may conduct an inventory of oil and natural gas resources beneath the waters of the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)) off of the coast of the States of Virginia, North Carolina, South Carolina, or Georgia in accordance with this subsection.

(2) BEST AVAILABLE TECHNOLOGY.—In conducting the inventory, the Secretary shall use the best technology available to obtain accurate resource estimates.

(3) REQUEST BY GOVERNOR.—The Secretary may conduct an inventory under this subsection off the coast of a State described in paragraph (1) only if the Governor of the State requests the inventory.

(4) REPORTS.—The Secretary shall submit to Congress and the requesting Governor a report on any inventory conducted under this subsection.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(f) ENHANCED OIL RECOVERY.—Section 354(c)(4)(B) of the Energy Policy Act of 2005 (42 U.S.C. 15910(c)(4)(B)) is amended—

(1) in clause (iii), by striking ''and'' at the end;

(2) in clause (iv), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(v) are carried out in geologically challenging fields.''.

SA 1563. Mr. DORGAN (for himself, Mr. CRAIG, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, after line 23, insert the following:

SEC. 131. INSTALLATION OF ETHANOL-BLEND FUEL PUMPS BY COVERED OWNERS AT RETAIL STATIONS.

Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended by adding at the end the following:

''(11) INSTALLATION OF ETHANOL-BLEND FUEL PUMPS BY COVERED OWNERS AT RETAIL STATIONS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) BLENDER PUMP.—The term 'blender pump' means any fuel pump that—

''(I) combines ethanol and gasoline products from separate underground storage tanks;

''(II) uses inlet valves from the tanks to enable varying quantities of ethanol and gasoline products to be blended within a chamber in the pump; and

''(III) dispenses the various blends of ethanol and gasoline products through separate hoses.

''(ii) COVERED OWNER.—The term 'covered owner' means any person that, individually or together with any other person with respect to which the person has an affiliate relationship or significant ownership interest, owns 15 or more retail station outlets, as determined by the Secretary.

''(iii) ETHANOL-BLEND FUEL.—The term 'ethanol-blend fuel' means a blend of gasoline not more than 85 percent, nor less than

70 percent, of the content of which is derived from ethanol produced in the United States, as defined by the Secretary in a manner consistent with applicable standards of the American Society for Testing and Materials.

''(iv) MAJOR OIL COMPANY.—The term 'major oil company' means any person, individually or together with any other person, that has an ownership interest in 200 or more retail station outlets.

''(v) SECRETARY.—The term 'Secretary' means the Secretary of Energy, acting in consultation with the Administrator and the Secretary of Agriculture.

''(B) ASSESSMENT.—Not later than 3 years after the date of enactment of this paragraph, the Secretary shall make an assessment of the progress made toward the penetration of not less than 5 percent of the market of fuel pump infrastructure for the production and distribution of ethanol-blend fuel (including the creation of adequate qualified alternative fuel vehicle refueling property that contains blender pumps).

''(C) REGULATIONS.—If the Secretary determines (based on the assessment conducted under subparagraph (B)) that adequate progress has not been made toward the penetration described in subparagraph (B), the Secretary shall promulgate regulations to ensure that, to the maximum extent practicable, each covered owner installs or otherwise makes available 1 or more pumps that dispense ethanol-blend fuel (including any other equipment necessary, such as tanks, to ensure that the pumps function properly) at not less than the applicable percentage of the retail station outlets of the covered owner specified in subparagraph (E).

''(D) CONSIDERATIONS.—In promulgating regulations, the Secretary shall take into account—

''(i) the number of retail gas stations that are wholly owned by major oil companies;

''(ii) the concentration of flexible fuel vehicles in a geographic area;

''(iii) any refueling infrastructure corridors established under section 121(b) of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007; and

''(iv) any covered owners that own more than 15 retail station outlets.

''(E) APPLICABLE PERCENTAGES.—For the purpose of subparagraph (C), the applicable percentage of the retail station outlets shall be—

''(i) during the 10–year period beginning on the date on which any determination is made under subparagraph (C), 10 percent; and

''(ii) after the 10–year period described in clause (i), 20 percent.

''(F) FINANCIAL RESPONSIBILITY.—In promulgating regulations under subparagraph (C), the Secretary shall ensure that each covered owner covered by this paragraph assumes full financial responsibility for the costs of installing or otherwise making available the pumps required under those regulations and any other equipment necessary (including tanks) to ensure that the pumps function properly.

''(G) PRODUCTION CREDITS FOR EXCEEDING ETHANOL-BLEND FUEL PUMPS INSTALLATION REQUIREMENT.—

''(i) EARNING AND PERIOD FOR APPLYING CREDITS.—If the percentage of the retail station outlets of a covered owner at which the covered owner installs ethanol-blend fuel pumps in a particular calendar year exceeds the percentage required under subparagraph (C), the covered owner shall earn credits under this paragraph, which may be applied to any of the 3 consecutive calendar years immediately following the calendar year for which the credits are earned.

''(ii) TRADING CREDITS.—A covered owner that earns credits under clause (i) may sell credits to another covered owner to enable the purchaser to meet the requirements of this paragraph.''.

SA 1564. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 177, after line 21, add the following:

SEC. 279. ENERGY EFFICIENT SCHOOLS.

(a) DEFINITIONS.—In this section:

(1) HIGH-PERFORMANCE SCHOOL BUILDING.—The term ''high-performance school building'' means a school building that integrates and optimizes all major high-performance building attributes, including energy and water efficiency, renewable energy, indoor air quality, durability, lifecycle cost performance, and occupant productivity.

(2) RENEWABLE ENERGY.—The term ''renewable energy'' means—

(A) energy produced using solar, wind, biomass, ocean, geothermal, or hydroelectric energy; or

(B) heating and cooling from a ground source heat pump.

(3) SCHOOL.—The term ''school'' means an accredited public school that is—

(A) subject to the authority of a State education agency; and

(B)(i) an elementary school or secondary school (as those terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)); or

(ii) a BIA school (within the meaning of section 9101(26)(C) of that Act (20 U.S.C. 7801(26)(C))).

(4) STATE EDUCATIONAL AGENCY.—The term ''State educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)).

(5) STATE ENERGY OFFICE.—The term ''State energy office'' means—

(A) the State agency that is responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322); or

(B) if an agency described in subparagraph (A) does not exist in a State, a State agency designated by the Governor of the State.

(b) ESTABLISHMENT OF PROGRAM.—There is established in the Department of Energy a program, to be known as the ''High-Performance Schools Program'', under which the Secretary may provide grants to State energy offices to assist school districts in the State—

(1) to improve the energy efficiency of, and use of renewable energy in, school buildings;

(2) to educate students regarding—

(A) energy consumption in buildings; and

(B) the benefits of energy efficiency and renewable energy;

(3) to administer the program; and

(4) to promote participation in the program.

(c) CONDITIONS OF RECEIPT.—As a condition of receiving a grant under this section, a State energy office shall agree to use the grant only to provide assistance to school districts in the State that demonstrate to the satisfaction of the State energy office—

(1) financial need with respect to the construction of new or renovated high-performance school buildings;

(2) a commitment to use the grant funds to develop high-performance school buildings, in accordance with a plan that the State energy office, in consultation with the State educational agency, determines to be feasible and appropriate to achieve the purposes for which the grant is provided;

(3) a commitment to educate students and the public regarding the energy efficiency and renewable energy uses relating to the program; and

(4) that the school district has conducted an energy audit satisfactory to the State energy office of the baseline energy consumption of the district.

(d) ADMINISTRATION.—

(1) SELECTION OF PROJECTS.—In selecting school districts to receive funds provided under this section, the Secretary shall—

(A) give priority to States that carry out, or propose to carry out, projects that—

(i) achieve maximum increases in energy efficiency; and

(ii) achieve maximum cost savings as a result of that increased efficiency; and

(B) ensure geographical diversity of distribution of funds throughout the United States, to the maximum extent practicable.

(2) USE OF GRANTS BY STATE ENERGY OFFICES.—A State energy office may use a portion of a grant received under this section—

(A) to evaluate compliance by school districts in the State with the requirements of this section;

(B) to develop and conduct programs for school board members, school personnel, architects, engineers, and other interested persons to advance the concepts of high-performance school buildings;

(C) to obtain technical services and assistance in planning and designing high-performance school buildings;

(D) to collect and monitor data relating to high-performance school building projects; or

(E) for promotional and marketing activities.

(e) SUPPLEMENTING GRANT FUNDS.—Each State energy office that receives a grant under this section shall encourage each school district provided funds by the State energy office to supplement, to the maximum extent practicable, the funds using funds from other sources in the implementation of the plans of the school districts.

(f) OTHER FUNDS.—Of amounts made available to carry out this section, the Secretary may reserve an amount equal to the lesser of 10 percent of the amounts and $500,000 for a fiscal year to provide assistance to State energy offices with respect to the coordination and implementation of the program under this section, including the development of reference materials—

(1) to clarify and support the purposes of this section; and

(2) to increase the quantity in the States of high-performance school buildings.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.

SA 1565. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, line 17, strike ''Section'' and insert the following:

(a) IN GENERAL.—Section

On page 36, after line 22, add the following:

(b) BIOFUELS INVESTMENT TRUST FUND.—Section 932(d) of the Energy Policy Act of 2005 (42 U.S.C. 16232(d)) is amended by adding at the end the following:

''(3) BIOFUELS INVESTMENT TRUST FUND.—

''(A) ESTABLISHMENT.—

''(i) IN GENERAL.—There is established in the Treasury of the United States a trust fund, to be known as the 'Biofuels Investment Trust Fund' (referred to in this paragraph as the 'trust fund'), consisting of such amounts as are transferred to the trust fund under clause (ii).

''(ii) TRANSFER.—As soon as practicable after the date of enactment of this paragraph, the Secretary of the Treasury shall transfer to the trust fund, from amounts in the general fund of the Treasury, such amounts as the Secretary of the Treasury determines to be equivalent to the amounts received in the general fund as of January 1, 2007, that are attributable to duties received on articles entered under heading 9901.00.50 of the Harmonized Tariff Schedule of the United States.

''(B) INVESTMENT OF AMOUNTS.—

''(i) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the trust fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

''(ii) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

''(iii) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under clause (i), obligations may be acquired—

''(I) on original issue at the issue price; or

''(II) by purchase of outstanding obligations at the market price.

''(iv) SALE OF OBLIGATIONS.—Any obligation acquired by the trust fund may be sold by the Secretary of the Treasury at the market price.

''(v) CREDITS TO TRUST FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the trust fund shall be credited to and form a part of the trust fund.

''(C) TRANSFERS OF AMOUNTS.—

''(i) IN GENERAL.—The amounts required to be transferred to the trust fund under subparagraph (A)(ii) shall be transferred at least quarterly from the general fund of the Treasury to the trust fund on the basis of estimates made by the Secretary of the Treasury.

''(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

''(D) USE OF FUNDS.—

''(i) IN GENERAL.—Amounts in the trust fund shall be used, subject to the availability of funds provided in advance in any appropriations Act, to carry out the program under paragraph (1).

''(ii) TREATMENT.—Amounts in the trust fund used under clause (i) shall be in addition to, and shall not be considered to be provided in lieu of, any other funds made available to carry out this subsection.''.

SA 1566. Mr. WARNER proposed an amendment to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. AVAILABILITY OF CERTAIN AREAS FOR LEASING.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

''(q) AVAILABILITY OF CERTAIN AREAS FOR LEASING.—

''(1) DEFINITIONS.—In this subsection:

''(A) ATLANTIC COASTAL STATE.—The term 'Atlantic Coastal State' means each of the States of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Delaware, New York, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida.

''(B) GOVERNOR.—The term 'Governor' means the Governor of the State.

''(C) QUALIFIED REVENUES.—The term 'qualified revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act for natural gas exploration and extraction activities authorized by the Secretary under this subsection.

''(D) STATE.—The term 'State' means the State of Virginia.

''(2) PETITION.—

''(A) IN GENERAL.—The Governor may submit to the Secretary—

''(i) a petition requesting that the Secretary issue leases authorizing the conduct of natural gas exploration activities only to ascertain the presence or absence of a natural gas reserve in any area that is at least 50 miles beyond the coastal zone of the State; and

''(ii) if a petition for exploration by the State described in clause (i) has been approved in accordance with paragraph (3) and the geological finding of the exploration justifies extraction, a second petition requesting that the Secretary issue leases authorizing the conduct of natural gas extraction activities in any area that is at least 50 miles beyond the coastal zone of the State.

''(B) CONTENTS.—In any petition under subparagraph (A), the Governor shall include a detailed plan of the proposed exploration and subsequent extraction activities, as applicable.

''(3) ACTION BY SECRETARY.—

''(A) IN GENERAL.—As soon as practicable after the date of receipt of a petition under paragraph (2), the Secretary shall approve or deny the petition.

''(B) REQUIREMENTS FOR EXPLORATION.—The Secretary shall not approve a petition submitted under paragraph (2)(A)(i) unless the State legislature has enacted legislation supporting exploration for natural gas in the coastal zone of the State.

''(C) REQUIREMENTS FOR EXTRACTION.—The Secretary shall not approve a petition submitted under paragraph (2)(A)(ii) unless the State legislature has enacted legislation supporting extraction for natural gas in the coastal zone of the State.

''(D) CONSISTENCY WITH LEGISLATION.—The plan provided in the petition under paragraph (2)(B) shall be consistent with the legislation described in subparagraph (B) or (C), as applicable.

''(E) COMMENTS FROM ATLANTIC COASTAL STATES.—On receipt of a petition under paragraph (2), the Secretary shall—

''(i) provide Atlantic Coastal States with an opportunity to provide to the Secretary comments on the petition; and

''(ii) take into consideration, but not be bound by, any comments received under clause (i).

''(4) DISPOSITION OF REVENUES.—Notwithstanding section 9, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

''(A) 50 percent of qualified revenues in the general fund of the Treasury; and

''(B) 50 percent of qualified revenues in a special account in the Treasury from which the Secretary shall disburse—

''(i) 75 percent to the State;

''(ii) 12.5 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460l–5); and

''(iii) 12.5 percent to a reserve fund to be used to mitigate for any environmental damage that occurs as a result of extraction activities authorized under this subsection, regardless of whether the damage is—

''(I) reasonably foreseeable; or

''(II) caused by negligence, natural disasters, or other acts.''.

SA 1567. Mr. BINGAMAN (for himself, and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 133, between lines 9 and 10, insert the following:

SEC. 246. COMMERCIAL INSULATION DEMONSTRATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED INSULATION.—The term ''advanced insulation'' means insulation that has an R value of not less than R35 per inch.

(2) COVERED REFRIGERATION UNIT.—The term ''covered refrigeration unit'' means any—

(A) commercial refrigerated truck;

(B) commercial refrigerated trailer; and

(C) commercial refrigerator, freezer, or refrigerator-freezer described in section 342(c) of the Energy Policy and Conservation Act (42 U.S.C. 6313(c)).

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes an evaluation of—

(1) the state of technological advancement of advanced insulation; and

(2) the projected amount of cost savings that would be generated by implementing advanced insulation into covered refrigeration units.

(c) DEMONSTRATION PROGRAM.—

(1) ESTABLISHMENT.—If the Secretary determines in the report described in subsection (b) that the implementation of advanced insulation into covered refrigeration units would generate an economically justifiable amount of cost savings, the Secretary, in cooperation with manufacturers of covered refrigeration units, shall establish a demonstration program under which the Secretary shall demonstrate the cost-effectiveness of advanced insulation.

(2) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) may apply to any project carried out under this subsection.

(3) COST-SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall

apply to any project carried out under this subsection.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2013.

SA 1568. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. COORDINATION OF PLANNED REFINERY OUTAGES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Energy Information Administration.

(2) PLANNED REFINERY OUTAGE.—

(A) IN GENERAL.—The term ''planned refinery outage'' means a removal, scheduled before the date on which the removal occurs, of a refinery, or any unit of a refinery, from service for maintenance, repair, or modification.

(B) EXCLUSION.—The term ''planned refinery outage'' does not include any necessary and unplanned removal of a refinery, or any unit of a refinery, from service as a result of a component failure, safety hazard, or emergency.

(3) REFINED PETROLEUM PRODUCT.—The term ''refined petroleum product'' means any gasoline, diesel fuel, fuel oil, lubricating oil, liquid petroleum gas, or other petroleum distillate that is produced through the refining or processing of crude oil or an oil derived from tar sands, shale, or coal.

(4) REFINERY.—The term ''refinery'' means a facility used in the production of a refined petroleum product through distillation, cracking, or any other process.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) REVIEW AND ANALYSIS OF AVAILABLE INFORMATION.—The Administrator shall, on an ongoing basis—

(1) review information on planned refinery outages that is available from commercial reporting services;

(2) analyze that information to determine whether the scheduling of a planned refinery outage may nationally or regionally affect the price or supply of any refined petroleum product by—

(A) decreasing the production of the refined petroleum product; and

(B) causing or contributing to a retail or wholesale supply shortage or disruption;

(3) not less frequently than twice each year, submit to the Secretary a report describing the results of the review and analysis under paragraphs (1) and (2); and

(4) specifically alert the Secretary of any planned refinery outage that the Administrator determines may nationally or regionally affect the price or supply of a refined petroleum product.

(c) ACTION BY SECRETARY.—On a determination by the Secretary, based on a report or alert under paragraph (3) or (4) of subsection (b), that a planned refinery outage may affect the price or supply of a refined petroleum product, the Secretary shall make available to refinery operators information on planned refinery outages to encourage reductions of the quantity of refinery capacity that is out of service at any time.

(d) LIMITATION.—Nothing in this section authorizes the Secretary—

(1) to prohibit a refinery operator from conducting a planned refinery outage; or

(2) to require a refinery operator to continue to operate a refinery.

SA 1569. Mr. DOMENICI (for himself, and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. TECHNICAL CRITERIA FOR CLEAN COAL POWER INITIATIVE.

Section 402(b)(1)(B)(ii) of the Energy Policy Act of 2005 (42 U.S.C. 15962(b)(1)(B)(ii)) is amended by striking subclause (I) and inserting the following:

''(I)(aa) to remove at least 99 percent of sulfur dioxide; or

''(bb) to emit not more than 0.04 pound SO_2 per million Btu, based on a 30-day average;''.

SA 1570. Mr. INHOFE (for himself, Mr. THUNE, and Mr. CRAIG) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

At the end of title IV, add the following:

Subtitle D—Miscellaneous

SEC. 471. AUDITS AND REPORTS.

(a) IN GENERAL.—Title I of the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) is amended by adding at the end the following:

''SEC. 1021. AUDITS AND REPORTS.

''(a) AUDITS.—Not later than April 30 of the fiscal year in which this section is enacted, and every 2 years thereafter, the President shall provide to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an audit conducted by the Comptroller General of the United States that includes a detailed accounting of all funds from the Fund in excess of $100,000 that are—

''(1) disbursed by the National Pollution Funds Center; and

''(2) administered and managed by the receiving agencies, including final payments made through agencies, contractors, and subcontractors.

''(b) REPORTS.—Not later than February 28 of the fiscal year in which this section is enacted, and every February 28 thereafter, the Secretary, the Secretary of the Interior, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and the heads of any other Federal agencies that, during the preceding fiscal year, received funds from the Fund in excess of $100,000, shall—

''(1) provide to the President a report accounting for the uses of the funds by the Federal agency, including a description of ways in which those uses relate to—

''(A) oil pollution liability, compensation, prevention, preparedness, and removal;

''(B) natural resource damage assessment and restoration;

''(C) oil pollution research and development; and

''(D) other activities authorized by this Act; and

''(2) make each report available to the public and other interested parties via the Internet website of the National Pollution Funds Center.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 2 of the Oil Pollution Act of 1990 (33 U.S.C. prec. 1001) is amended by inserting after the item relating to section 1020 the following:

''Sec. 1021. Audits and reports''.

SA 1571. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

At the end of subtitle D of title II, add the following:

SEC. 255. ENERGY-RELATED RESEARCH AND DEVELOPMENT.

(a) FINDINGS.—Congress finds that—

(1) information and opinions provided by individuals and entities of the academic and industrial sectors should be an important consideration with respect to energy-related research and development activities carried out by the Federal Government;

(2) in carrying out energy-related research and development activities, the Federal Government should regularly seek input from multiple sources, including the industrial sector, academia, and other relevant sectors;

(3) research is better focused around well-defined problems that need to be resolved;

(4) a number of potential problems to be resolved are likely to require input from a diverse selection of technologies and contributing sectors;

(5) sharing of information relating to energy research and development is important to the development and innovation of energy technologies;

(6) necessary intellectual property protection can lead to delays in sharing valuable information that could aid in resolving major energy-related problems;

(7) the Federal Government should facilitate the sharing of information from a diverse array of industries by ensuring the protection of intellectual property while simultaneously creating an environment of openness and cooperation; and

(8) the Federal Government should revise the methods of the Federal Government regarding energy-related research and development to encourage faster development and implementation of energy technologies.

(b) DEFINITIONS.—In this section:

(1) NETWORK.—The term ''network'' means the Energy Technologies Innovation Network established by subsection (d)(1).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(3) SURVEY.—The term ''survey'' means a survey conducted pursuant to subsection (c).

(c) ENERGY-RELATED RESEARCH AND DEVELOPMENT PRIORITIES.—

(1) IN GENERAL.—Not less frequently than once every 5 years, the Secretary shall conduct a survey in accordance with this subsection to determine the 10 highest-priority energy-related problems to resolve to ensure the goals of—

(A) maximizing the energy security of the United States;

(B) maximizing improvements in energy efficiency within the United States; and

(C) minimizing damage to the economy and the environment of the United States.

(2) SURVEY.—

(A) IN GENERAL.—Each survey shall contain a request that the respondent shall list, in descending order of priority, the 10 highest-priority energy-related problems that, in the opinion of the respondent, require resolution as quickly as practicable to ensure the goals described in paragraph (1).

(B) ANNOUNCEMENT.—The Secretary shall announce the existence of each survey by—

(i) publishing an announcement in the Federal Register; and

(ii) placing an announcement in a prominent position on the homepage of the website of the Department of the Energy.

(C) AVAILABILITY.—The Secretary shall ensure that each survey is made available—

(i) in an electronic format only through a link on the Department of Energy website;

(ii) for a period of not less than 21 days and not more than 30 days; and

(iii) to any individual or entity that elects to participate.

(D) ADDITIONAL INFORMATION GATHERING.—Each survey—

(i) shall require each respondent to provide information regarding—

(I) the age of the respondent;

(II) the occupational category of the respondent;

(III) the period of time during which the respondent has held the current occupation of the respondent; and

(IV) the State and country in which the respondent resides; and

(ii) may request, but shall not require—

(I) the name of the respondent;

(II) an identification of the employer of the respondent;

(III) the electronic mail address of the respondent; and

(IV) such other information as the Secretary determines to be appropriate.

(E) RESPONDENTS.—The Secretary shall seek responses to a survey from appropriate representatives of—

(i) the energy, transportation, manufacturing, construction, mining, and electronic industries;

(ii) academia;

(iii) research facilities;

(iv) nongovernmental organizations;

(v) the Federal Government; and

(vi) units of State and local government.

(F) NONPOLITICAL REQUIREMENT.—The Secretary shall ensure that each survey is conducted, to the maximum extent practicable—

(i) in a transparent, nonpolitical, and scientific manner; and

(ii) without any political bias.

(G) REPORT.—Not later than 180 days after the date on which a survey under this subsection is no longer available under subparagraph (C)(ii), the Secretary shall submit to Congress and make available to the public (including through publication in the Federal Register and on the website of the Department of Energy) a report that—

(i) describes the results of the survey; and

(ii) includes a list of the 10 highest-priority energy-related problems based on all responses to the survey.

(3) EFFECT OF RESULTS ON ENERGY-RELATED RESEARCH AND DEVELOPMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), on receipt of a report under paragraph (2)(G), the Secretary shall ensure that, during the 5-year period beginning on the date of receipt of the report, all energy-related research and development activities of the Department of Energy are carried out for the purpose of resolving, to the maximum extent practicable, the 10 problems included on the list of the report under paragraph (2)(G)(ii).

(B) ADDITIONAL PROBLEMS.—In addition to the activities described in subparagraph (A), during the 5-year period beginning on the date of receipt of a report under paragraph (2)(G), the Secretary may carry out, using the same quantity of resources as are allocated to [any 1 energy-related problem] included on the list of the report under paragraph (2)(G)(ii), energy-related research and development activities for the purpose of resolving, to the maximum extent practicable, 2 additional energy-related problems that—

(i) are not included on the list; and

(ii) are high-priority energy-related problems, as determined by the Secretary.

(d) ENERGY TECHNOLOGIES INNOVATION NETWORK.—

(1) ESTABLISHMENT.—There is established an information and collaboration network, to be known as the ''Energy Technologies Innovation Network''.

(2) PURPOSE.—The purpose of the network shall be to provide a forum through which interested parties (including scientists and entrepreneurs) can present, discuss, and collaborate with respect to information and ideas relating to energy technologies.

(3) OPERATION OF NETWORK.—

(A) IN GENERAL.—The Secretary shall offer to enter into a contract, after an open bidding process, with a third party to operate the network.

(B) REQUIREMENTS.—The third party selected under subparagraph (A) shall—

(i) have experience with respect to the establishment and maintenance of a comprehensive database of Federal research and development projects that is—

(I) easily searchable;

(II) open to the public; and

(III) capable of expansion;

(ii) provide a secure electronic forum to enable collaboration among users of the network; and

(iii) collaborate with the Secretary to protect the intellectual property rights of individual users and governmental agencies participating in the network in accordance with paragraph (6).

(4) REQUIRED CONTRIBUTORS.—Each research laboratory or other facility that receives Federal funding shall provide to the network the results of the research conducted using that funding, regardless of whether the research relates to energy, subject to the condition that revelation of the research will not adversely effect national security.

(5) OTHER CONTRIBUTORS.—Other entities, including entities in the academic and industrial sectors and individuals, may participate in the network to actively contribute to resolving—

(A) the energy-related problems included on the list of the report under subsection (c)(2)(G)(ii); or

(B) any other energy-related problem that the contributor determines would advance the goals described in subsection (c)(1).

(6) PROTECTION OF INFORMATION AND IDEAS.—In collaborating with a third party in operating the network under paragraph (3), the Secretary shall employ such individuals and entities with experience relating to—

(A) intellectual property as the Secretary determines to be necessary to ensure that—

(i) information and ideas presented, and discussed in the network are—

(I) monitored with respect to the intellectual property owners and components of the information or ideas; and

(II) protected in accordance with applicable Federal intellectual property law (including regulations);

(ii) information and ideas developed within the network are—

(I) monitored with respect to the intellectual property components of the developers of the information or ideas; and

(II) protected in accordance with applicable Federal intellectual property law (including regulations); and

(iii) contributors to the network are provided adequate assurances that intellectual property rights of the contributors will be protected with respect to participation in the network;

(B) setting up, maintaining, and operating a network that ensures security and reliability.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 1572. Mr. SALAZAR (for himself, Mr. BAYH, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, Ms. CANTWELL, Mrs. LINCOLN, Mrs. CLINTON, Mr. BIDEN, Ms. KLOBUCHAR, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

On page 119, line 1, strike ''transportation technology'' and insert ''vehicles''.

On page 121, line 4, after ''equipment'' insert ''and developing new manufacturing processes and material suppliers''.

On page 126, strike lines 9 and 10 and insert the following:

(iii) electrode-active materials, including electrolytes and bioelectrolytes;

On page 126, strike lines 12 and 13 and insert the following:

(v) modeling and simulation; and

(vi) thermal behavior and life degradation mechanisms.

On page 130, strike lines 5 through line 13 and insert the following:

(1) DEFINITIONS.—In this subsection:

(A) BATTERY.—The term ''battery'' means an electrochemical energy storage device powered directly by electrical current.

(B) PLUG-IN ELECTRIC DRIVE VEHICLE.—The term ''plug-in electric drive vehicle'' means a light-duty, medium-duty, or heavy-duty on-road or nonroad battery electric, hybrid, or fuel cell vehicle that can be recharged from an external source of electricity for motive power.

On page 130, line 16, insert ''plug-in'' before ''electric''.

On page 130, strike lines 17 through 21 and insert the following:

(3) ELIGIBILITY.—

(A) IN GENERAL.—A State government, local government, metropolitan transportation authority, air pollution control district, private entity, and nonprofit entity shall be eligible to receive a grant under this subsection.

(B) CERTAIN APPLICANTS.—A battery manufacturer that proposes to supply to an applicant for a grant under this section a battery with a capacity of greater than 1 kilowatt-hour for use in a plug-in electric drive vehicle shall—

(i) ensure that the applicant includes in the application a description of the price of the battery per kilowatt hour;

(ii) on approval by the Secretary of the application, publish, or permit the Secretary to publish, the price described in clause (i); and

(iii) for any order received by the battery manufacturer for at least 1,000 batteries, offer the batteries at that price.

On page 131, line 2, insert ''plug-in'' before ''electric''.

Beginning on page 132, strike line 1 and all that follows through page 133, line 9, and insert the following:

(b) NEAR-TERM ELECTRIC DRIVE TRANSPORTATION DEPLOYMENT PROGRAM.—

(1) DEFINITION OF QUALIFIED ELECTRIC TRANSPORTATION PROJECT.—

(A) IN GENERAL.—In this subsection, the term ''qualified electric transportation project'' means a project that would simultaneously reduce emissions of criteria pollutants, greenhouse gas emissions, and petroleum usage by at least 40 percent as compared to commercially available, petroleum-based technologies.

(B) INCLUSIONS.—In this subsection, the term ''qualified electric transportation project'' includes a project relating to—

(i) shipside or shoreside electrification for vessels;

(ii) truck-stop electrification;

(iii) electric truck refrigeration units;

(iv) battery powered auxiliary power units for trucks;

(v) electric airport ground support equipment;

(vi) electric material and cargo handling equipment;

(vii) electric or dual-mode electric freight rail;

(viii) any distribution upgrades needed to supply electricity to the project; and

(ix) any ancillary infrastructure, including panel upgrades, battery chargers, in-situ transformers, and trenching.

(2) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall establish a program to provide grants and loans to eligible entities for the conduct of qualified electric transportation projects.

(3) GRANTS.—

(A) IN GENERAL.—Of the amounts made available for grants under paragraph (2)—

(i) ⅔ shall be made available by the Secretary on a competitive basis for qualified electric transportation projects based on the overall cost-effectiveness of a qualified electric transportation project in reducing emissions of criteria pollutants, emissions of greenhouse gases, and petroleum usage; and

(ii) ⅓ shall be made available by the Secretary for qualified electric transportation projects in the order that the grant applications are received, if the qualified electric transportation projects meet the minimum standard for the reduction of emissions of criteria pollutants, emissions of greenhouse gases, and petroleum usage described in paragraph (1)(A).

(B) PRIORITY.—In providing grants under this paragraph, the Secretary shall give priority to large-scale projects and large-scale aggregators of projects.

(C) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a grant made under this paragraph.

(4) REVOLVING LOAN PROGRAM.—

(A) IN GENERAL.—The Secretary shall establish a revolving loan program to provide loans to eligible entities for the conduct of qualified electric transportation projects under paragraph (2).

(B) CRITERIA.—The Secretary shall establish criteria for the provision of loans under this paragraph.

(C) FUNDING.—Of amounts made available to carry out this subsection, the Secretary shall use any amounts not used to provide grants under paragraph (3) to carry out the revolving loan program under this paragraph.

(c) MARKET ASSESSMENT PROGRAM.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary and private industry, shall carry out a program—

(1) to inventory and analyze existing electric drive transportation technologies and hybrid technologies and markets; and

(2) to identify and implement methods of removing barriers for existing and emerging applications of electric drive transportation technologies and hybrid transportation technologies.

(d) ELECTRICITY USAGE PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency and private industry, shall carry out a program—

(A) to work with utilities to develop low-cost, simple methods of—

(i) using off-peak electricity; or

(ii) managing on-peak electricity use;

(B) to develop systems and processes—

(i) to enable plug-in electric vehicles to enhance the availability of emergency back-up power for consumers;

(ii) to study and demonstrate the potential value to the electric grid to use the energy stored in the on-board storage systems to improve the efficiency and reliability of the grid generation system; and

(iii) to work with utilities and other interested stakeholders to study and demonstrate the implications of the introduction of plug-in electric vehicles and other types of electric transportation on the production of electricity from renewable resources.

(2) OFF-PEAK ELECTRICITY USAGE GRANTS.—In carrying out the program under paragraph (1), the Secretary shall provide grants to assist eligible public and private electric utilities for the conduct of programs or activities to encourage owners of electric drive transportation technologies—

(A) to use off-peak electricity; or

(B) to have the load managed by the utility.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsections (b), (c), and (d) $125,000,000 for each of fiscal years 2008 through 2013.

On page 133, between lines 9 and 10, insert the following:

(f) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGIES.—

(1) DEFINITIONS.—In this subsection:

(A) BATTERY.—The term ''battery'' means an electrochemical energy storage device powered directly by electrical current.

(B) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term ''electric drive transportation technology'' means—

(i) technology used in vehicles that use an electric motor for all or part of the motive power of the vehicles, including battery electric, hybrid electric, plug-in hybrid electric, fuel cell, and plug-in fuel cell vehicles, or rail transportation; or

(ii) equipment relating to transportation or mobile sources of air pollution that use an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including—

(I) corded electric equipment linked to transportation or mobile sources of air pollution; and

(II) electrification technologies at airports, ports, truck stops, and material-handling facilities.

(C) ENERGY STORAGE DEVICE.—

(i) IN GENERAL.—The term ''energy storage device'' means the onboard device used in an on-road or nonroad vehicle to store energy, or a battery, ultracapacitor, compressed air energy storage system, or flywheel used to store energy in a stationary application.

(ii) INCLUSIONS.—The term ''energy storage device'' includes—

(I) in the case of an electric or hybrid electric or fuel cell vehicle, a battery, ultracapacitor, or similar device; and

(II) in the case of a hybrid hydraulic vehicle, an accumulator or similar device.

(D) ENGINE DOMINANT HYBRID VEHICLE.—The term ''engine dominant hybrid vehicle'' means an on-road or nonroad vehicle that—

(i) is propelled by an internal combustion engine or heat engine using—

(I) any combustible fuel; and

(II) an on-board, rechargeable energy storage device; and

(ii) has no means of using an off-board source of energy.

(E) NONROAD VEHICLE.—The term ''nonroad vehicle'' means a vehicle—

(i) powered by—

(I) a nonroad engine, as that term is defined in section 216 of the Clean Air Act (42 U.S.C. 7550); or

(II) fully or partially by an electric motor powered by a fuel cell, a battery, or an off-board source of electricity; and

(ii) that is not a motor vehicle or a vehicle used solely for competition.

(F) PLUG-IN ELECTRIC DRIVE VEHICLE.—The term ''plug-in electric drive vehicle'' means a light-duty, medium-duty, or heavy-duty on-road or nonroad battery electric, hybrid, or fuel cell vehicle that can be recharged from an external source of electricity for motive power.

(G) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term ''plug-in hybrid electric vehicle'' means a light-duty, medium-duty, or heavy-duty on-road or nonroad vehicle that is propelled by any combination of—

(i) an electric motor and on-board, rechargeable energy storage system capable of operating the vehicle in intermittent or continuous all-electric mode and which is rechargeable using an off-board source of electricity; and

(ii) an internal combustion engine or heat engine using any combustible fuel.

(2) EVALUATION OF PLUG-IN ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY BENEFITS.—

(A) IN GENERAL.—The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, the heads of other appropriate Federal agencies, and appropriate interested stakeholders, shall evaluate and, as appropriate, modify existing test protocols for fuel economy and emissions to ensure that any protocols for electric drive transportation technologies, including plug-in electric drive vehicles, accurately measure the fuel economy and emissions performance of the electric drive transportation technologies.

(B) REQUIREMENTS.—Test protocols (including any modifications to test protocols) for electric drive transportation technologies under subparagraph (A) shall—

(i) be designed to assess the full potential of benefits in terms of reduction of emissions of criteria pollutants, reduction of energy use, and petroleum reduction; and

(ii) consider—

(I) the vehicle and fuel as a system, not just an engine;

(II) nightly off-board charging, as applicable; and

(III) different engine-turn on speed control strategies.

(3) ELECTRIC DRIVE TRANSPORTATION RESEARCH AND DEVELOPMENT.—The Secretary shall conduct an applied research program for electric drive transportation technology and engine dominant hybrid vehicle technology, including—

(A) high-capacity, high-efficiency energy storage devices that, as compared to existing technologies that are in commercial service, have improved life, energy storage capacity, and power delivery capacity;

(B) high-efficiency on-board and off-board charging components;

(C) high-power and energy-efficient drivetrain systems for passenger and commercial vehicles and for nonroad vehicles;

(D) development and integration of control systems and power trains for plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and engine dominant hybrid vehicles, including—

(i) development of efficient cooling systems;

(ii) analysis and development of control systems that minimize the emissions profile in cases in which clean diesel engines are part of a plug-in hybrid drive system; and

(iii) development of different control systems that optimize for different goals, including—

(I) prolonging energy storage device life;

(II) reduction of petroleum consumption; and

(III) reduction of greenhouse gas emissions;

(E) application of nanomaterial technology to energy storage devices and fuel cell systems; and

(F) use of smart vehicle and grid interconnection devices and software that enable communications between the grid of the future and electric drive transportation technology vehicles.

(4) EDUCATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall develop a nationwide electric drive transportation technology education program under which the Secretary shall provide—

(i) teaching materials to secondary schools and high schools; and

(ii) assistance for programs relating to electric drive system and component engineering to institutions of higher education.

(B) ELECTRIC VEHICLE COMPETITION.—The program established under subparagraph (A) shall include a plug-in hybrid electric vehicle competition for institutions of higher education, which shall be known as the ''Dr. Andrew Frank Plug-In Hybrid Electric Vehicle Competition''.

(C) ENGINEERS.—In carrying out the program established under subparagraph (A), the Secretary shall provide financial assistance to institutions of higher education to create new, or support existing, degree programs to ensure the availability of trained electrical and mechanical engineers with the skills necessary for the advancement of—

(i) plug-in electric drive vehicles; and

(ii) other forms of electric drive transportation technology vehicles.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2008 through 2013—

(A) to carry out paragraph (3) $200,000,000; and

(B) to carry out paragraph (4) $5,000,000.

(g) COLLABORATION AND MERIT REVIEW.—

(1) COLLABORATION WITH NATIONAL LABORATORIES.—To the maximum extent practicable, National Laboratories shall collaborate with the public, private, and academic sectors and with other National Laboratories in the design, conduct, and dissemination of the results of programs and activities authorized under this section.

(2) COLLABORATION WITH MOBILE ENERGY STORAGE PROGRAM.—To the maximum extent practicable, the Secretary shall seek to coordinate the stationary and mobile energy storage programs of the Department of the Energy with the programs and activities authorized under this section

(3) MERIT REVIEW.—Notwithstanding section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353), of the amounts made available to carry out this section, not more than 30 percent shall be provided to National Laboratories.

SEC. 246. INCLUSION OF ELECTRIC DRIVE IN ENERGY POLICY ACT OF 1992.

Section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended—

(1) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively;

(2) by inserting before subsection (b) the following:

''(a) DEFINITIONS.—In this section:

''(1) FUEL CELL ELECTRIC VEHICLE.—The term 'fuel cell electric vehicle' means an on-road or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Spark M. Matsunaga Hydrogen Act of 2005 (42 U.S.C. 16152)).

''(2) HYBRID ELECTRIC VEHICLE.—The term 'hybrid electric vehicle' means a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of the Internal Revenue Code of 1986).

''(3) MEDIUM- OR HEAVY-DUTY ELECTRIC VEHICLE.—The term 'medium- or heavy-duty electric vehicle' means an electric, hybrid electric, or plug-in hybrid electric vehicle with a gross vehicle weight of more than 8,501 pounds.

''(4) NEIGHBORHOOD ELECTRIC VEHICLE.—The term 'neighborhood electric vehicle' means a 4-wheeled on-road or nonroad vehicle that—

''(A) has a top attainable speed in 1 mile of more than 20 mph and not more than 25 mph on a paved level surface; and

''(B) is propelled by an electric motor and on-board, rechargeable energy storage system that is rechargeable using an off-board source of electricity.

''(5) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term 'plug-in hybrid electric vehicle' means a light-duty, medium-duty, or heavy-duty on-road or nonroad vehicle that is propelled by any combination of—

''(A) an electric motor and on-board, rechargeable energy storage system capable of operating the vehicle in intermittent or continuous all-electric mode and which is rechargeable using an off-board source of electricity; and

''(B) an internal combustion engine or heat engine using any combustible fuel.'';

(3) in subsection (b) (as redesignated by paragraph (1))—

(A) by striking ''The Secretary'' and inserting the following:

''(1) ALLOCATION.—The Secretary''; and

(B) by adding at the end the following:

''(2) ELECTRIC VEHICLES.—Not later than January 31, 2009, the Secretary shall—

''(A) allocate credit in an amount to be determined by the Secretary for—

''(i) acquisition of—

''(I) a hybrid electric vehicle;

''(II) a plug-in hybrid electric vehicle;

''(III) a fuel cell electric vehicle;

''(IV) a neighborhood electric vehicle; or

''(V) a medium- or heavy-duty electric vehicle; and

''(ii) investment in qualified alternative fuel infrastructure or nonroad equipment, as determined by the Secretary; and

''(B) allocate more than 1, but not to exceed 5, credits for investment in an emerging technology relating to any vehicle described in subparagraph (A) to encourage—

''(i) a reduction in petroleum demand;

''(ii) technological advancement; and

''(iii) a reduction in vehicle emissions.'';

(4) in subsection (c) (as redesignated by paragraph (1)), by striking ''subsection (a)'' and inserting ''subsection (b)''; and

(5) by adding at the end the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2013.''.

On page 144, line 8, insert ''and the use of 2-wheeled electric drive devices'' after ''bicycling''.

SA 1573. Ms. KLOBUCHAR (for Mr. BINGAMAN (for himself, Mr. REID, Mr. CARDIN, and Mr. SALAZAR)) proposed an amendment to amendment SA 1537 proposed by Mr. REID (for Mr. BINGAMAN (for himself, Mr. REID, Mr. CARDIN, Mr. SALAZAR, Ms. SNOWE, and Mr. DURBIN)) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after Title in the first line of the amendment and insert the following:

VIII—RENEWABLE PORTFOLIO STANDARD

SEC. 801. RENEWABLE PORTFOLIO STANDARD.

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

''SEC. 610. FEDERAL RENEWABLE PORTFOLIO STANDARD.

''(a) RENEWABLE ENERGY REQUIREMENT.—

''(1) IN GENERAL.—Each electric utility that sells electricity to electric consumers shall obtain a percentage of the base amount of electricity it sells to electric consumers in any calendar year from new renewable energy or existing renewable energy. The percentage obtained in a calendar year shall not be less than the amount specified in the following table:

''Calendar year:	Minimum annual percentage:
2010 through 2012	3.75
2013 through 2016	7.50
2017 through 2019	11.25
2020 through 2030	15.0

''(2) MEANS OF COMPLIANCE.—An electric utility shall meet the requirements of paragraph (1) by—

''(A) submitting to the Secretary renewable energy credits issued under subsection (b);

''(B) making alternative compliance payments to the Secretary at the rate of 2 cents per kilowatt hour (as adjusted for inflation under subsection (g)); or

''(C) a combination of activities described in subparagraphs (A) and (B).

''(3) SPECIAL RULE.—Nothing in this section authorizes or requires the Tennessee Valley Authority to make any capital expenditure on new generating capacity, except to the

extent that budget authority for the expenditure is provided in advance in an appropriations Act.

''(b) FEDERAL RENEWABLE ENERGY CREDIT TRADING PROGRAM.—

''(1) IN GENERAL.—Not later than July 1, 2009, the Secretary shall establish a Federal renewable energy credit trading program under which electric utilities shall submit to the Secretary renewable energy credits to certify the compliance of the electric utilities with respect to obligations under subsection (a)(1).

''(2) ADMINISTRATION.—As part of the program, the Secretary shall—

''(A) issue tradeable renewable energy credits to generators of electric energy from new renewable energy;

''(B) issue nontradeable renewable energy credits to generators of electric energy from existing renewable energy;

''(C) issue renewable energy credits to electric utilities associated with State renewable portfolio standard compliance mechanisms pursuant to subsection (h);

''(D) ensure that a kilowatt hour, including the associated renewable energy credit, shall be used only once for purposes of compliance with this Act;

''(E) allow double credits for generation from facilities on Indian land, and triple credits for generation from small renewable distributed generators (meaning those no larger than 1 megawatt); and

''(F) ensure that, with respect to a purchaser that, as of the date of enactment of this section, has a purchase agreement from a renewable energy facility placed in service before that date, the credit associated with the generation of renewable energy under the contract is issued to the purchaser of the electric energy to the extent that the contract does not already provide for the allocation of the Federal credit.

''(3) DURATION.—A credit described in subparagraph (A), (B), or (C) of paragraph (2) may only be used for compliance with this section during the 3-year period beginning on the date of issuance of the credit.

''(4) TRANSFERS.—An electric utility that holds credits in excess of the quantity of credits needed to comply with subsection (a) may transfer the credits to another electric utility in the same utility holding company system.

''(5) DELEGATION OF MARKET FUNCTION.—The Secretary may delegate to an appropriate market-making entity the administration of a national tradeable renewable energy credit market for purposes of creating a transparent national market for the sale or trade of renewable energy credits.

''(c) ENFORCEMENT.—

''(1) CIVIL PENALTIES.—Any electric utility that fails to meet the compliance requirements of subsection (a) shall be subject to a civil penalty.

''(2) AMOUNT OF PENALTY.—The amount of the civil penalty shall be determined by multiplying the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (a) by the greater of—

''(A) the value of the alternative compliance payment, as adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor; or

''(B) 200 percent of the average market value of renewable energy credits during the year in which the violation occurred.

''(3) MITIGATION OR WAIVER.—

''(A) PENALTY.—

''(i) IN GENERAL.—The Secretary may mitigate or waive a civil penalty under this subsection if the electric utility is unable to comply with subsection (a) for a reason outside of the reasonable control of the utility.

''(ii) AMOUNT.—The Secretary shall reduce the amount of any penalty determined under paragraph (2) by the amount paid by the electric utility to a State for failure to comply with the requirement of a State renewable energy program if the State requirement is greater than the applicable requirement of subsection (a).

''(B) REQUIREMENT.—The Secretary may waive the requirements of subsection (a) for a period of up to 5 years with respect to an electric utility if the Secretary determines that the electric utility cannot meet the requirements because of a hurricane, tornado, fire, flood, earthquake, ice storm, or other natural disaster or act of God beyond the reasonable control of the utility.

''(4) PROCEDURE FOR ASSESSING PENALTY.—The Secretary shall assess a civil penalty under this subsection in accordance with the procedures prescribed by section 333(d) of the Energy Policy and Conservation Act of 1954 (42 U.S.C. 6303).

''(d) STATE RENEWABLE ENERGY ACCOUNT PROGRAM.—

''(1) IN GENERAL.—There is established in the Treasury a State renewable energy account program.

''(2) DEPOSITS.—All money collected by the Secretary from alternative compliance payments and the assessment of civil penalties under this section shall be deposited into the renewable energy account established pursuant to this subsection.

''(3) USE.—Proceeds deposited in the State renewable energy account shall be used by the Secretary, subject to appropriations, for a program to provide grants to the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) for the purposes of promoting renewable energy production, including programs that promote technologies that reduce the use of electricity at customer sites such as solar water heating.

''(4) ADMINISTRATION.—The Secretary may issue guidelines and criteria for grants awarded under this subsection. State energy offices receiving grants under this section shall maintain such records and evidence of compliance as the Secretary may require.

''(5) PREFERENCE.—In allocating funds under this program, the Secretary shall give preference—

''(A) to States in regions which have a disproportionately small share of economically sustainable renewable energy generation capacity; and

''(B) to State programs to stimulate or enhance innovative renewable energy technologies.

''(e) RULES.—The Secretary shall issue rules implementing this section not later than 1 year after the date of enactment of this section.

''(f) EXEMPTIONS.—This section shall not apply in any calendar year to an electric utility—

''(1) that sold less than 4,000,000 megawatt-hours of electric energy to electric consumers during the preceding calendar year; or

''(2) in Hawaii.

''(g) INFLATION ADJUSTMENT.—Not later than December 31 of each year beginning in 2008, the Secretary shall adjust for inflation the rate of the alternative compliance payment under subsection (a)(2)(B) and the amount of the civil penalty per kilowatt-hour under subsection (c)(2).

''(h) STATE PROGRAMS.—

''(1) IN GENERAL.—Nothing in this section diminishes any authority of a State or political subdivision of a State to adopt or enforce any law or regulation respecting renewable energy or the regulation of electric utilities, but, except as provided in subsection (c)(3), no such law or regulation shall relieve any person of any requirement otherwise applicable under this section. The Secretary, in consultation with States having such renewable energy programs, shall, to the maximum extent practicable, facilitate coordination between the Federal program and State programs.

''(2) REGULATIONS.—

''(A) IN GENERAL.—The Secretary, in consultation with States, shall promulgate regulations to ensure that an electric utility that is subject to the requirements of this section and is subject to a State renewable energy standard receives renewable energy credits if—

''(i) the electric utility complies with State standard by generating or purchasing renewable electric energy or renewable energy certificates or credits; or

''(ii) the State imposes or allows other mechanisms for achieving the State standard, including the payment of taxes, fees, surcharges, or other financial obligations.

''(B) AMOUNT OF CREDITS.—The amount of credits received by an electric utility under this subsection shall equal—

''(i) in the case of subparagraph (A)(i), the renewable energy resulting from the generation or purchase by the electric utility of existing renewable energy or new renewable energy; and

''(ii) in the case of subparagraph (A)(ii), the pro rata share of the electric utility, based on the contributions to the mechanism made by the electric utility or customers of the electric utility, in the State, of the renewable energy resulting from those mechanisms.

''(C) PROHIBITION ON DOUBLE COUNTING.—The regulations promulgated under this paragraph shall ensure that a kilowatt-hour associated with a renewable energy credit issued pursuant to this subsection shall not be used for compliance with this section more than once.

''(i) DEFINITIONS.—In this section:

''(1) BASE AMOUNT OF ELECTRICITY.—The term 'base amount of electricity' means the total amount of electricity sold by an electric utility to electric consumers in a calendar year, excluding—

''(A) electricity generated by a hydroelectric facility (including a pumped storage facility but excluding incremental hydropower); and

''(B) electricity generated through the incineration of municipal solid waste.

''(2) DISTRIBUTED GENERATION FACILITY.—The term 'distributed generation facility' means a facility at a customer site.

''(3) EXISTING RENEWABLE ENERGY.—The term 'existing renewable energy' means, except as provided in paragraph (7)(B), electric energy generated at a facility (including a distributed generation facility) placed in service prior to January 1, 2001, from solar, wind, or geothermal energy, ocean energy, biomass (as defined in section 203(a) of the Energy Policy Act of 2005), or landfill gas.

''(4) GEOTHERMAL ENERGY.—The term 'geothermal energy' means energy derived from a geothermal deposit (within the meaning of section 613(e)(2) of the Internal Revenue Code of 1986).

''(5) INCREMENTAL GEOTHERMAL PRODUCTION.—

''(A) IN GENERAL.—The term 'incremental geothermal production' means for any year the excess of—

''(i) the total kilowatt hours of electricity produced from a facility (including a distributed generation facility) using geothermal energy; over

''(ii) the average annual kilowatt hours produced at such facility for 5 of the previous 7 calendar years before the date of enactment of this section after eliminating the highest and the lowest kilowatt hour production years in such 7-year period.

''(B) SPECIAL RULE.—A facility described in subparagraph (A) that was placed in service at least 7 years before the date of enactment of this section shall, commencing with the year in which such date of enactment occurs, reduce the amount calculated under subparagraph (A)(ii) each year, on a cumulative basis, by the average percentage decrease in the annual kilowatt hour production for the 7-year period described in subparagraph (A)(ii) with such cumulative sum not to exceed 30 percent.

''(6) INCREMENTAL HYDROPOWER.—The term 'incremental hydropower' means additional energy generated as a result of efficiency improvements or capacity additions made on or after January 1, 2001, or the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date. The term does not include additional energy generated as a result of operational changes not directly associated with efficiency improvements or capacity additions. Efficiency improvements and capacity additions shall be measured on the basis of the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility and certified by the Secretary or the Federal Energy Regulatory Commission.

''(7) NEW RENEWABLE ENERGY.—The term 'new renewable energy' means—

''(A) electric energy generated at a facility (including a distributed generation facility) placed in service on or after January 1, 2001, from—

''(i) solar, wind, or geothermal energy or ocean energy;

''(ii) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b));

''(iii) landfill gas; or

''(iv) incremental hydropower; and

''(B) for electric energy generated at a facility (including a distributed generation facility) placed in service before January 1, 2001—

''(i) the additional energy above the average generation during the period beginning on January 1, 1998, and ending on January 1, 2001, at the facility from—

''(I) solar or wind energy or ocean energy;

''(II) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b));

''(III) landfill gas; or

''(IV) incremental hydropower; and

''(ii) incremental geothermal production.

''(8) OCEAN ENERGY.—The term 'ocean energy' includes current, wave, tidal, and thermal energy.

''(j) SUNSET.—This section expires on December 31, 2030.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. prec. 2601) is amended by adding at the end of the items relating to title VI the following:

''Sec. 610. Federal renewable portfolio standard.''.

This Title shall take effect one day after the date of this bill's enactment.

SA 1574. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

SEC. 269. FEDERAL GREENHOUSE GAS EMISSIONS.

The Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

''TITLE VII—FEDERAL GREENHOUSE GAS EMISSIONS

''SEC. 701. DEFINITIONS.

''In this title:

''(1) AGENCY EMISSION BASELINE.—The term 'agency emission baseline', with respect to a Federal agency, means such quantity of the aggregate quantity of direct emissions, energy indirect emissions, and indirect emissions used to calculate the emission baseline as is attributable to the Federal agency.

''(2) DIRECT EMISSION.—The term 'direct emission' means an emission of a greenhouse gas directly from a source owned or controlled by the Federal Government, such as from a fleet of motor vehicles.

''(3) EMISSION ALLOWANCE.—The term 'emission allowance' means an authorization to emit, for any fiscal year, 1 ton of carbon dioxide (or the equivalent quantity of any other greenhouse gas, as determined by the Administrator).

''(4) EMISSION BASELINE.—The term 'emission baseline' means a quantity of greenhouse gas emissions equal to the aggregate quantity of direct emissions, energy indirect emissions, and indirect emissions for fiscal year 2005, as determined by the Office in accordance with section 702(b)(3).

''(5) ENERGY INDIRECT EMISSION.—The term 'energy indirect emission' means an emission of a greenhouse gas resulting from the production of electricity purchased and used by the Federal Government.

''(6) GREENHOUSE GAS.—The term 'greenhouse gas' means any of—

''(A) carbon dioxide;

''(B) methane;

''(C) nitrous oxide;

''(D) hydrofluorocarbons;

''(E) perfluorocarbons; and

''(F) sulfur hexafluoride.

''(7) INDIRECT EMISSION.—

''(A) IN GENERAL.—The term 'indirect emission' means an emission of greenhouse gases resulting from the conduct of a project or activity (including outsourcing of a project or activity) by the Federal Government (or any Federal officer or employee acting in an official capacity).

''(B) INCLUSIONS.—The term 'indirect emission' includes an emission of a greenhouse gas resulting from—

''(i) employee travel; or

''(ii) the use of an energy-intensive material, such as paper.

''(C) EXCLUSION.—The term 'indirect emission' does not include an energy indirect emission.

''(8) OFFICE.—The term 'Office' means the Federal Emissions Inventory Office established by section 702(a).

''(9) PROTOCOL.—The term 'protocol' means the Greenhouse Gas Protocol Corporate Accounting and Reporting Standard developed by the World Resources Institute and World Business Council on Sustainable Development.

''SEC. 702. FEDERAL EMISSIONS INVENTORY OFFICE.

''(a) ESTABLISHMENT.—There is established within the Environmental Protection Agency an office to be known as the 'Federal Emissions Inventory Office'.

''(b) DUTIES.—The Office shall—

''(1) as soon as practicable after the date of enactment of this title, develop an emission inventory or other appropriate system to measure and verify direct emissions, energy indirect emissions, indirect emissions, and offsets of those emissions;

''(2) ensure that the process of data collection for the inventory or system is reliable, transparent, and accessible;

''(3)(A)(i) not later than 1 year after the date of enactment of this title, establish an emission baseline for the Federal Government; or

''(ii) not later than 180 days after the date of enactment of this title, if the Office determines that Federal agencies have not collected enough information, or sufficient data are otherwise unavailable, to establish an emission baseline, submit to Congress and the Administrator a report describing the type and quantity of data that are unavailable; and

''(B) after establishment of an emission baseline under subparagraph (A), periodically review and, if new information relating to the base year becomes available, revise the emission baseline, as appropriate;

''(4) upon development of the inventory or system under paragraph (1), use the inventory or system to begin accounting for direct emissions, energy indirect emissions, and indirect emissions in accordance with the protocol;

''(5) ensure that the inventory or other appropriate system developed under paragraph (1) is periodically audited to ensure that data reported in accordance with the inventory or system are relevant, complete, and transparent;

''(6) not later than 1 year after the date of enactment of this title—

''(A) develop such additional procedures as are necessary to account for emissions described in paragraph (3), particularly indirect emissions; and

''(B) submit to Congress and the Administrator a report that describes any additional data necessary to calculate indirect emissions;

''(7) coordinate with climate change and greenhouse gas registries being developed by States and Indian tribes; and

''(8) not later than October 1 of the year after the date of enactment of this title, and annually thereafter, submit to Congress and the Administrator a report that, for the preceding fiscal year, for the Federal Government and each Federal agency—

''(A) describes the aggregate quantity of emissions (including direct emissions, energy indirect emissions, and indirect emissions); and

''(B) specifies separately the quantities of direct emissions, energy indirect emissions, and indirect emissions comprising that aggregate quantity.

''SEC. 703. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary to carry out this title.''.

SA 1575. Mr. VOINOVICH (for himself, Mr. CARPER, and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for

other purposes; which was ordered to lie on the table; as follows:

Beginning on page 39, strike line 12 and all that follows through page 42, line 8, and insert the following:

(b) IMPROVEMENTS TO UNDERLYING LOAN GUARANTEE AUTHORITY.—

(1) DEFINITION OF COMMERCIAL TECHNOLOGY.—Section 1701(1) of the Energy Policy Act of 2005 (42 U.S.C. 16511(1)) is amended by striking subparagraph (B) and inserting the following:

''(B) EXCLUSION.—The term 'commercial technology' does not include a technology if the sole use of the technology is in connection with—

''(i) a demonstration plant; or

''(ii) a project for which the Secretary approved a loan guarantee.''.

(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (b) and inserting the following:

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—No guarantee shall be made unless—

''(A) an appropriation for the cost has been made; or

''(B) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury.

''(2) LIMITATION.—The source of payments received from a borrower under paragraph (1)(B) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.

''(3) RELATION TO OTHER LAWS.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with paragraph (1)(B).''.

(3) AMOUNT.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (c) and inserting the following:

''(c) AMOUNT.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), upon the request of the borrower, the Secretary shall guarantee 100 percent of the principal and interest due on 1 or more loans for a facility that are the subject of the guarantee, on the condition that the Secretary has—

''(A) received from the borrower a payment in full for the cost of the obligation; and

''(B) deposited the payment in the Treasury.

''(2) LIMITATION ON AMOUNT.—The total amount of loans guaranteed for a facility by the Secretary shall not exceed 80 percent of the total cost of the facility, as estimated at the time at which the guarantee is issued.

''(3) APPROVAL OF APPLICATIONS.—

''(A) DEADLINE.—The Secretary shall approve or disapprove an application for a guarantee not later than 1 year after the date of receipt of the application.

''(B) REPORT.—The Secretary shall submit to Congress an annual report on the approval or disapproval of all loan guarantee applications that includes—

''(i) the reasons for each approval and disapproval; and

''(ii) an evaluation and recommendation by the Secretary for the termination of authority for each eligible project category described in section 1703(b).''.

(4) SUBROGATION.—Section 1702(g)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)(2)) is amended—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(5) FEES.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

''(2) AVAILABILITY.—Fees collected under this subsection shall—

''(A) be deposited by the Secretary in a special fund in the Treasury to be known as the 'Incentives For Innovative Technologies Fund'; and

''(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.''.

SA 1576. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. GEOTHERMAL HEAT PUMP TECHNOLOGY ACCELERATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) GENERAL SERVICES ADMINISTRATION FACILITY.—

(A) IN GENERAL.—The term ''General Services Administration facility'' means any building, structure, or facility, in whole or in part (including the associated support systems of the building, structure, or facility), that—

(i) is constructed (including facilities constructed for lease), renovated, or purchased, in whole or in part, by the Administrator for use by the Federal Government; or

(ii) is leased, in whole or in part, by the Administrator for use by the Federal Government—

(I) except as provided in subclause (II), for a term of not less than 5 years; or

(II) for a term of less than 5 years, if the Administrator determines that use of cost-effective technologies and practices would result in the payback of expenses.

(B) INCLUSION.—The term ''General Services Administration facility'' includes any group of buildings, structures, or facilities described in subparagraph (A) (including the associated energy-consuming support systems of the buildings, structures, and facilities).

(C) EXEMPTION.—The Administrator may exempt from the definition of ''General Services Administration facility'' under this paragraph a building, structure, or facility that meets the requirements of section 543(c) of Public Law 95–619 (42 U.S.C. 8253(c)).

(3) OPERATIONAL COST SAVINGS.—The term ''operational cost savings'' means a reduction in end-use operational costs through the application of geothermal heat pump technologies, including a reduction in electricity consumption relative to consumption by the same customer or at the same facility in a given year, as defined in guidelines promulgated by the Administrator, that achieves cost savings sufficient to pay the incremental additional costs of using geothermal heat pump technologies by not later than the date that is 5 years after the date of installation of the technologies.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator shall establish a program to accelerate the use of geothermal heat pumps at General Services Administration facilities.

(2) REQUIREMENTS.—The program established under this subsection shall—

(A) ensure centralized responsibility for the coordination of geothermal heat pump recommendations, practices, and activities of all relevant Federal agencies;

(B) provide technical assistance and operational guidance to applicable tenants to achieve the goal identified in subsection (c)(2)(B)(ii); and

(C) establish methods to track the success of Federal departments and agencies with respect to that goal.

(c) ACCELERATED USE OF GEOTHERMAL HEAT PUMP TECHNOLOGIES.—

(1) REVIEW.—

(A) IN GENERAL.—As part of the program under this section, not later than 90 days after the date of enactment of this Act, the Administrator shall conduct a review of—

(i) current use of geothermal heat pump technologies in General Services Administration facilities; and

(ii) the availability to managers of General Services Administration facilities of geothermal heat pumps.

(B) REQUIREMENTS.—The review under subparagraph (A) shall—

(i) examine the use of geothermal heat pumps by Federal agencies in General Services Administration facilities; and

(ii) as prepared in consultation with the Administrator of the Environmental Protection Agency, identify geothermal heat pump technology standards that could be used for all types of General Services Administration facilities.

(2) REPLACEMENT.—

(A) IN GENERAL.—As part of the program under this section, not later than 180 days after the date of enactment of this Act, the Administrator shall establish, using available appropriations, a geothermal heat pump technology acceleration program to achieve maximum feasible replacement of existing heating and cooling technologies with geothermal heat pump technologies in each General Services Administration facility.

(B) ACCELERATION PLAN TIMETABLE.—

(i) IN GENERAL.—To implement the program established under subparagraph (A), not later than 1 year after the date of enactment of this Act, the Administrator shall establish a timetable, including milestones for specific activities needed to replace existing heating and cooling technologies with geothermal heat pump technologies, to the maximum extent feasible (including at the maximum rate feasible), at each General Services Administration facility.

(ii) GOAL.—The goal of the timetable under clause (i) shall be to complete, using available appropriations, maximum feasible replacement of existing heating and cooling technologies with geothermal heat pump technologies by not later than the date that is 5 years after the date of enactment of this Act.

(d) GENERAL SERVICES ADMINISTRATION FACILITY GEOTHERMAL HEAT PUMP TECHNOLOGIES AND PRACTICES.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Administrator shall—

(1) ensure that a manager responsible for accelerating the use of geothermal heat pump technologies is designated for each General Services Administration facility geothermal heat pump technologies and practices facility; and

(2) submit to Congress a plan, to be implemented to the maximum extent feasible (including at the maximum rate feasible) using available appropriations, by not later than

the date that is 5 years after the date of enactment of this Act, that—

(A) includes an estimate of the funds necessary to carry out this section;

(B) describes the status of the implementation of geothermal heat pump technologies and practices at General Services Administration facilities, including—

(i) the extent to which programs, including the program established under subsection (b), are being carried out in accordance with this Act; and

(ii) the status of funding requests and appropriations for those programs;

(C) identifies within the planning, budgeting, and construction processes, all types of General Services Administration facility-related procedures that inhibit new and existing General Services Administration facilities from implementing geothermal heat pump technologies;

(D) recommends language for uniform standards for use by Federal agencies in implementing geothermal heat pump technologies and practices;

(E) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(i) permitting Federal agencies to retain all identified savings accrued as a result of the use of geothermal heat pump technologies; and

(ii) identifying short- and long-term cost savings that accrue from the use of geothermal heat pump technologies and practices;

(F) achieves substantial operational cost savings through the application of geothermal heat pump technologies; and

(G) includes recommendations to address each of the matters, and a plan for implementation of each recommendation, described in subparagraphs (A) through (F).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

SA 1577. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXCLUSION OF ALIENS WHO HAVE INVESTED IN PETROLEUM DEVELOPMENT IN CUBA.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States to—

(1) undertake the necessary measures to deny the Cuban regime the financial resources to engage in activities that threaten—

(A) United States national security, its interests and its allies;

(B) the environment and natural resources of the submerged lands of Cuba's northern coast and Florida's unique maritime environment; and

(C) that prolong the dictatorship that oppresses the Cuban people; and

(2) deter foreign investments that would enhance the ability of the Cuban regime to develop its petroleum resources.

(b) EXCLUSION OF CERTAIN ALIENS.—

(1) IN GENERAL.—The Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 et seq.) is amended by inserting after section 401 the following:

''SEC. 402. EXCLUSION FROM THE UNITED STATES OF ALIENS WHO CONTRIBUTE TO THE ABILITY OF CUBA TO DEVELOP PETROLEUM RESOURCES OFF OF CUBA'S NORTHERN COAST.

''(a) IN GENERAL.—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who the Secretary of State determines is a person who—

''(1) is an officer or principal of an entity, or a shareholder who owns a controlling interest in an entity, that, on or after May 2, 2006, makes an investment that equals or exceeds $1,000,000 (or any combination of investments that in the aggregate equals or exceeds $1,000,000 in any 12-month period), that contributes to the enhancement of Cuba's ability to develop petroleum resources of the submerged lands of Cuba's northern coast; or

''(2) is a spouse, minor child, or agent of a person described in paragraph (1).

''(b) WAIVER.—The Secretary of State may waive the application of subsection (a) if the Secretary certifies and reports to the appropriate congressional committees, on a case-by-case basis, that the admission to the United States of a person described in subsection (a)—

''(1) is necessary for critical medical reasons or for purposes of litigation of an action under title III; or

''(2) is appropriate if the requirements of sections 203, 204, and 205 have been satisfied.

''(c) DEFINITIONS.—In this section:

''(1) DEVELOP.—The term 'develop', with respect to petroleum resources, means the exploration for, or the extraction, refining, or transportation by pipeline or other means of, petroleum resources.

''(2) INVESTMENT.—The term 'investment' means any of the following activities if such activity is undertaken pursuant to an agreement, or pursuant to the exercise of rights under such an agreement, that is entered into with the Government of Cuba (or any agency or instrumentality thereof) or a non-governmental entity in Cuba, on or after May 2, 2006:

''(A) The entry into a contract that includes responsibility for the development of petroleum resources of the submerged lands of Cuba's northern coast, or the entry into a contract providing for the general supervision and guarantee of another person's performance of such a contract.

''(B) The purchase of a share of ownership, including an equity interest, in that development.

''(C) The entry into a contract providing for the participation in royalties, earnings, or profits in that development, without regard to the form of the participation.

''(D) The entry into, performance, or financing of a contract to sell or purchase goods, services, or technology related to that development.

''(3) PETROLEUM RESOURCES.—The term 'petroleum resources' includes petroleum and natural gas resources.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) applies to aliens seeking admission to the United States on or after the date of the enactment of this Act.

(c) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—The President shall impose two or more of the sanctions described in paragraph (2) if the President determines that a person has, on or after May 2, 2006, made an investment that equals or exceeds $1,000,000 (or any combination of investments that in the aggregate equals or exceeds $1,000,000 in any 12-month period) that contributes to the enhancement of Cuba's ability to develop petroleum resources of the submerged lands of Cuba's northern coast.

(2) SANCTIONS DESCRIBED.—The sanctions to be imposed on a sanctioned person under this subsection are as follows:

(A) EXPORT-IMPORT BANK ASSISTANCE FOR EXPORTS TO SANCTIONED PERSONS.—The President may direct the Export-Import Bank of the United States not to give approval to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit in connection with the export of any goods or services to any sanctioned person.

(B) EXPORT SANCTION.—The President may order the United States Government not to issue any specific license and not to grant any other specific permission or authority to export any goods or technology to a sanctioned person under—

(i) the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.);

(ii) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(iii) the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(iv) any other statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or services.

(C) LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.—The United States Government may prohibit any United States financial institution from making loans or providing credits to any sanctioned person totaling more than $10,000,000 in any 12-month period unless such person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities.

(D) PROHIBITIONS ON FINANCIAL INSTITUTIONS.—

(i) IN GENERAL.—The following prohibitions may be imposed against a sanctioned person that is a financial institution:

(I) PROHIBITION ON DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, such financial institution as a primary dealer in United States Government debt instruments.

(II) PROHIBITION ON SERVICE AS A REPOSITORY OF GOVERNMENT FUNDS.—Such financial institution may not serve as agent of the United States Government or serve as repository for United States Government funds.

(ii) TREATMENT OF SANCTIONS.—The imposition of either sanction under subclause (I) or (II) of clause (i) shall be treated as one sanction for purposes of this subsection, and the imposition of both such sanctions shall be treated as two sanctions for purposes of this subsection.

(E) PROCUREMENT SANCTION.—The United States Government may not procure, or enter into any contract for the procurement of, any goods or services from a sanctioned person.

(3) PERSON DEFINED.—In this subsection, the term ''person'' includes a foreign subsidiary of a person referred to in paragraph (1).

SA 1578. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, and Mrs. DOLE) proposed an amendment to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing

greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

Beginning on page 4 of the amendment, strike line 20 and all that follows through page 5, line 3, and insert the following:

''(E) COMMENTS AND APPROVAL FROM OTHER STATES.—

''(i) IN GENERAL.—On receipt of a petition under paragraph (2), the Secretary shall provide Atlantic Coastal States with an opportunity to provide to the Secretary comments on the petition.

''(ii) REQUIREMENT.—The Secretary shall not approve a petition under this paragraph unless the Governors of all States within 100 miles of the coastal waters of the State have approved the petition.

SA 1579. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, after line 23, add the following:

SEC. 113. NATIONAL LOW-CARBON FUEL STANDARD.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) CONVENTIONAL TRANSPORTATION FUEL.—The term ''conventional transportation fuel'' means any fossil-fuel-based transportation fuel used in the United States as of the date of enactment of this Act.

(3) FUEL EMISSION BASELINE.—The term ''fuel emission baseline'' means the average lifecycle greenhouse gas emissions per unit of energy of the average of fossil-based fuels in commerce in the United States during the period of calendar years 2005 through 2007.

(4) GREENHOUSE GAS.—The term ''greenhouse gas'' means any of—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons; and

(F) sulfur hexafluoride.

(5) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term ''lifecycle greenhouse gas emissions'' means, with respect to a fuel, the aggregate quantity of greenhouse gases emitted during production, feedstock production or extraction, distribution, and use of the fuel, as determined by the Administrator.

(6) LOW-CARBON FUEL.—The term ''low-carbon fuel'' means fuel produced, to the maximum extent practicable, in the United States—

(A) that meets the requirements of an applicable American Society for Testing and Materials standard; and

(B) the lifecycle greenhouse gas emissions of which are lower than the fuel emission baseline, as determined by the Administrator.

(7) OBLIGATED PARTY.—

(A) IN GENERAL.—The term ''obligated party'' means an obligated party as described in section 80.1106 of title 40, Code of Federal Regulations (or a successor regulation).

(B) RELATED TERM.—The term ''any and all of the products'', when used with respect to an obligated party, means diesel and aviation fuel, home heating oil, and boiler oil to be included in the volume used to calculate the requirements applicable to the obligated party under this section.

(b) NATIONAL LOW-CARBON FUEL STANDARD.—Not later than January 1, 2015, the Administrator shall, by regulation—

(1) establish a fuel emission baseline based on the average lifecycle greenhouse gas emissions per unit of energy of the average of fossil-based fuels in commerce in the United States during the period of calendar years 2005 through 2007;

(2) identify qualifying low-carbon transportation fuels based on—

(A) whether the lifecycle greenhouse gas emissions of a fuel are lower, per unit of energy delivered by use of a specific quantity of the fuel, than the fuel emission baseline, including the percentage greenhouse gas emission reduction provided by the fuel to the fuel emission baseline;

(B) whether a fuel—

(i) achieves a substantial reduction in petroleum content over the lifecycle of the fuel; or

(ii) otherwise contributes to the energy security of the United States; and

(C) with respect to calculation of the lifecycle greenhouse gas emissions of vehicles operating on electricity or a hydrogen fuel, the quantity of energy delivered by use of the fuel, which shall be determined by calculating the product obtained by multiplying—

(i) a unit of energy delivered by use of the electricity or hydrogen fuel; and

(ii) an adjustment factor determined by the Administrator to reflect, with respect to the fuel emissions baseline and any improvement relating to the domestic energy security of the United States resulting from petroleum otherwise displaced, the substantial lifecycle greenhouse gas benefits of using the electricity or hydrogen fuel, on a per-mile basis, resulting from reasonably anticipated energy efficiency of an average—

(I) battery electric vehicle;

(II) plug-in hybrid electric vehicle; or

(III) hydrogen fuel cell vehicle;

(3) establish a low-carbon fuel certification and marketing process—

(A) to certify fuels that qualify as low-carbon fuels under this section;

(B) to make those certifications available to consumers; and

(C) to label and market low-carbon fuels;

(4) publish fuel-use compliance scenarios describing the estimated volumes per year of low-carbon fuels required to meet each requirement described in subsection (c); and

(5) establish—

(A) for fuels blended with low-carbon fuel, as part of the renewable identification number program of the Environmental Protection Agency—

(i) an intensity number measured in the quantity of lifecycle greenhouse gas emissions per unit of energy provided by use of the fuel; and

(ii) an index number representing the percentage reduction of greenhouse gas emissions achieved by the fuel as compared to the fuel emission baseline; and

(B) for electricity from the electric power transmission and distribution system expected to be used as a motor vehicle or nonroad fuel, a process for generating and assigning identification numbers for electricity incorporating, to the maximum extent practicable, clauses (i) and (ii) of subparagraph (A).

(c) REQUIREMENTS APPLICABLE TO OBLIGATED PARTIES.—

(1) REQUIREMENTS.—

(A) CALENDAR YEARS 2015 THROUGH 2020.—Not later than January 1, 2015, the Administrator shall, by regulation, require each obligated party to reduce the average lifecycle greenhouse gas emissions per unit of energy of the aggregate quantity of fuels introduced into commerce by the obligated party to a level that is, as determined by the Administrator, to the maximum extent practicable—

(i) by calendar year 2015, substantially equivalent to at least 5 percent below the fuel emission baseline; and

(ii) by calendar year 2020, substantially equivalent to at least 10 percent below the fuel emission baseline.

(B) CALENDAR YEAR 2021 AND THEREAFTER.—For calendar year 2021, and by not later than each fifth calendar year thereafter, the Administrator shall, by regulation, require each obligated party to reduce the average lifecycle greenhouse gas emissions per unit of energy of the aggregate quantity of fuels introduced into commerce by the obligated party to a level that, as determined by the Administrator, is progressively lower, but not a level higher than, the previous years, unless the Administrator, in coordination with the Secretary of Agriculture and the Secretary, establishes an alternative required percentage reduction based on—

(i) a review of the implementation of this paragraph during the period of calendar years 2015 through 2020;

(ii) the expected annual rate of future production of low-carbon fuel;

(iii) the impact of low-carbon fuels on the energy security of the United States;

(iv) the impact of low-carbon fuels on the infrastructure of the United States, including the deliverability of materials, goods, and products other than low-carbon fuel;

(v) the sufficiency of the infrastructure of the United States to deliver low-carbon fuel; and

(vi) the impact of the use of low-carbon fuel on other factors, including—

(I) job creation;

(II) the price and supply of agricultural commodities;

(III) rural economic development; and

(IV) the environment.

(2) FAILURE TO PROMULGATE REGULATIONS.—If the Administrator does not promulgate regulations in accordance with this subsection, the average lifecycle greenhouse gas emissions of the aggregate quantity of fuel introduced by an obligated party for calendar year 2014 shall be at least 3 percent below the fuel emissions baseline.

(d) DOMESTIC FEEDSTOCK STUDY.—Not later than 3 years after the date of enactment of this Act, the President, in conjunction with the Secretary of Agriculture, the Administrator, and the Secretary, taking into consideration recommendations issued by the National Academy of Sciences, the Food and Agricultural Policy Research Institute, and not more than 2 additional appropriate independent research institutes, as determined by the President, shall establish and apply a methodology to assess and quantify environmental changes associated with the increase in the volume of renewable fuels required by this subsection, as compared with the effects of an increase in conventional transportation fuels otherwise displaced as a result of this subsection, as applicable, for the purpose of negating overall adverse environmental impacts, particularly with respect to the effects on or changes in—

(1) the national security of the United States;

(2) the rural economic development of the United States;

(3) the energy security of the United States;

(4) land, air, and water quality of the United States;

(5) deforestation;

(6) areas containing significant concentrations of biodiversity values (including endemism, endangered species, high species richness, and refugia), including habitats in which any alteration of the habitat would render the habitat unable to support most characteristic native species and ecological processes;

(7) the long-term capacity of the United States to produce feedstocks for low-carbon fuels;

(8) land enrolled in—

(A) the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.); or

(B) the wetlands reserve program established under subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.);

(9) the impact on areas at risk of wildfire, including areas in the vicinity of—

(A) buildings and other areas regularly occupied by people; or

(B) infrastructure;

(10) the conversion of biowaste and other wastes into fuels, as compared with use of those wastes for other beneficial purposes, and any potential for the generation of toxic byproducts resulting from that conversion;

(11) the conversion of nonrenewable biomass into biofuel;

(12) materials produced, harvested, acquired, transported, or processed that would have, as an adverse result, an exemption from otherwise applicable Federal law (including regulations); and

(13) such other matters or activities as are identified by the President.

SA 1580. Mr. BAYH (for Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 23, insert '', methanol, and other renewable fuels'' after ''ethanol''.

On page 7, line 1, insert '', methanol, and other renewable fuels'' after ''ethanol''.

On page 7, line 4, insert '', methanol, and other renewable fuels'' after ''ethanol''.

On page 7, lines 6 and 7, strike ''and food waste and yard waste'' and insert ''food waste, yard waste, and municipal solid waste from which all recyclable materials and nonbiomass materials have been removed''.

SA 1581. Mr. GREGG (for himself, Mrs. FEINSTEIN, Mr. SUNUNU, Mr. KYL, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ELIMINATION OF ETHANOL TARIFF AND DUTY.

(a) IN GENERAL.—

(1) ELIMINATION OF PERMANENT TARIFF OF 2.5 PERCENT.—Subheading 2207.10.60 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking the column 1 general rate of duty and inserting ''Free''; and

(B) by striking the matter contained in the column 1 special rate of duty column and inserting ''Free''.

(2) ELIMINATION OF PERMANENT TARIFF OF 1.9 PERCENT.—

(A) IN GENERAL.—Chapter 22 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

''	2207.20.20	Ethyl alcohol and other spirits, denatured, of any strength (if used as a fuel or in a mixture to be used as a fuel)	1.9%	Free (A+, AU, BH, CA, CL, D, E, IL, J, JO, MA, MX, P, SG)	20%	''.

(B) CONFORMING AMENDMENT.—The article description for subheading 2207.20.00 of the Harmonized Tariff Schedule of the United States is amended by inserting ''(not provided for in subheading 2207.20.20)'' after ''strength''.

(b) REPEAL OF TEMPORARY DUTY OF 54 CENTS PER GALLON.—Subchapter I of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking heading 9901.00.50; and

(2) by striking U.S. Notes 2 and 3 relating to heading 9901.00.50.

(c) EFFECTIVE DATE.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SA 1582. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 12, between lines 6 and 7, insert the following:

(D) GOALS.—In promulgating regulations pursuant to this paragraph, the President shall take into consideration the goals of—

(i) providing credits under this section to motivate blenders to incorporate existing infrastructure in the transportation, storage, blending, and distribution of any alcohol-based biofuel; and

(ii) encouraging blenders to share any credits provided under this section with pipeline and common storage facilities, which incorporate practices to achieve fungibility, pipeline transmission, commingling, and common storage of biofuels with hydrocarbons.

SA 1583. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 113. ACCELERATED FUEL WAIVER BLENDS.

Section 211(a) of the Clean Air Act (42 U.S.C. 7545(a)) is amended—

(1) by striking ''The Administrator'' and inserting the following:

''(1) IN GENERAL.—The Administrator''; and

(2) by adding at the end the following:

''(2) REQUIREMENT.—In promulgating regulations pursuant to paragraph (1) relating to the provision of a waiver under subsection (f) or any fuel registration requirement under this section, the Administrator shall provide for the expeditious registration, to the maximum extent practicable, of any fuel that contains an oxygenated blending component, including fuel that contains—

''(A) C1- to C6-based alcohols;

''(B) C5 to C6 carbonates (such as dimethyl carbonate and diethyl carbonate); or

''(C) any other additive that improves the thermal efficiency or fuel economy of the fuel.''.

SA 1584. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 113. TREATMENT OF CERTAIN GASOLINE.

(a) IN GENERAL.—Section 211(f) of the Clean Air Act (42 U.S.C. 7545(f)) is amended by adding at the end the following:

''(6) TREATMENT OF CERTAIN GASOLINE.—

''(A) IN GENERAL.—For purposes of this subsection, gasoline described in subparagraph (B) shall be considered to be substantially similar to any fuel or fuel additive utilized in the certification of any model year 1975.

''(B) DESCRIPTION OF GASOLINE.—Gasoline referred to in subparagraph (A) is gasoline that—

''(i) contains not more than 3.7 percent oxygen, by weight, such that the gasoline is equivalent to E–10 gasoline; or

''(ii) contains a greater quantity of oxygen, as the Administrator may determine, by regulation.''.

(b) EFFECT OF SECTION.—Nothing in the amendment made by subsection (a) affects subsection (h) of section 211 of the Clean Air Act (42 U.S.C. 7545).

SA 1585. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. WARNER to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, strike line 5, and insert the following:

ural disasters, or other acts.

''(5) LIABILITY.—

''(A) IN GENERAL.—The State shall be liable for the costs incurred by any other State as a result of any oil or natural gas spill or other damages caused by offshore drilling or other activities conducted in the coastal zone of the State under this subsection.

''(B) INCLUSIONS.—Costs for which the State shall be liable under this paragraph include the costs associated with—

''(i) any environmental cleanup;

''(ii) any economic damages to the coastline of the affected State resulting from the oil or natural gas spill; and

''(iii) any other damage to the affected State.

''(C) ORIGINAL JURISDICTION.—Notwithstanding any other provision of law, the Supreme Court shall have original jurisdiction over a claim to recover costs under this paragraph.

''(D) AMOUNT.—If an action is brought under subparagraph (C), the Supreme Court shall determine the total amount of the costs for which the State shall be liable under this paragraph.''.

SA 1586. Mr. TESTER (for himself, Mr. BINGAMAN, Mr. REID, Ms. MURKOWSKI, Mr. STEVENS, Mr. SALAZAR, Mr. AKAKA, Mr. SANDERS, Ms. SNOWE, and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes, which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—GEOTHERMAL ENERGY

SEC. 801. SHORT TITLE.

This title may be cited as the ''National Geothermal Initiative Act of 2007''.

SEC. 802. FINDINGS.

Congress finds that—

(1) domestic geothermal resources have the potential to provide vast amounts of clean, renewable, and reliable energy to the United States;

(2) Federal policies and programs are critical to achieving the potential of those resources;

(3) Federal tax policies should be modified to appropriately support the longer lead-times of geothermal facilities and address the high risks of geothermal exploration and development;

(4) sustained and expanded research programs are needed—

(A) to support the goal of increased energy production from geothermal resources;

(B) to develop and demonstrate the potential for geothermal heat exchange technologies for heating, cooling, and energy efficiency; and

(C) to develop the technologies that will enable commercial production of energy from more geothermal resources;

(5) a comprehensive national resource assessment is needed to support policymakers and industry needs;

(6) a national exploration and development technology and information center should be established to support the achievement of increased geothermal energy production; and

(7) implementation and completion of geothermal and other renewable initiatives on public land in the United States is critical, consistent with the principles and requirements of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law.

SEC. 803. NATIONAL GOAL.

Congress declares that it shall be a national goal to achieve at least 15 percent of total electrical energy production in the United States from geothermal resources by not later than 2030.

SEC. 804. DEFINITIONS.

In this title:

(1) INITIATIVE.—The term ''Initiative'' means the national geothermal initiative established by section 805(a).

(2) NATIONAL GOAL.—The term ''national goal'' means the national goal of increased energy production from geothermal resources described in section 803.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 805. NATIONAL GEOTHERMAL INITIATIVE.

(a) ESTABLISHMENT.—There is established a national geothermal initiative under which the Federal Government shall seek to achieve the national goal.

(b) FEDERAL SUPPORT AND COORDINATION.—In carrying out the Initiative, each Federal agency shall give priority to programs and efforts necessary to support achievement of the national goal to the extent consistent with applicable law.

(c) ENERGY AND INTERIOR GOALS.—

(1) IN GENERAL.—In carrying out the Initiative, the Secretary and the Secretary of the Interior shall establish and carry out policies and programs—

(A) to characterize the complete geothermal resource base (including engineered geothermal systems) of the United States by not later than 2010;

(B) to sustain an annual growth rate in the use of geothermal power, heat, and heat pump applications of at least 10 percent;

(C) to demonstrate state-of-the-art energy production from the full range of geothermal resources in the United States;

(D) to achieve new power or commercial heat production from geothermal resources in at least 25 States;

(E) to develop the tools and techniques to construct an engineered geothermal system power plant; and

(F) to deploy geothermal heat exchange technologies in Federal buildings for heating, cooling, and energy efficiency.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Secretary and the Secretary of the Interior shall jointly submit to the appropriate Committees of Congress a report that describes—

(A) the proposed plan to achieve the goals described in paragraph (1); and

(B) a description of the progress during the period covered by the report toward achieving those goals.

(d) GEOTHERMAL RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION.—

(1) IN GENERAL.—The Secretary shall carry out a program of geothermal research, development, demonstration, outreach and education, and commercial application to support the achievement of the national goal.

(2) REQUIREMENTS OF PROGRAM.—In carrying out the geothermal research program described in paragraph (1), the Secretary shall—

(A) prioritize funding for the discovery and characterization of geothermal resources;

(B) expand funding for cost-shared drilling;

(C)(i) establish, at a national laboratory or university research center selected by the Secretary, a national geothermal exploration research and information center;

(ii) support development and application of new exploration and development technologies through the center; and

(iii) in cooperation with the Secretary of the Interior, disseminate geological and geophysical data to support geothermal exploration activities through the center;

(D) support cooperative programs with and among States (including geothermal facilities that are operational as of the date of enactment of this Act, the Great Basin Center for Geothermal Energy, the Intermountain West Geothermal Consortium, and other similar State and regional initiatives) to expand knowledge of the geothermal resource base of the United States and potential applications of that resource base;

(E) improve and advance high-temperature and high-pressure drilling, completion, and instrumentation technologies benefiting geothermal well construction;

(F) demonstrate geothermal applications in settings that, as of the date of enactment of this Act, are noncommercial;

(G) research, develop, and demonstrate engineered geothermal systems techniques for commercial application of the technologies, including advances in—

(i) reservoir stimulation;

(ii) reservoir characterization, monitoring, and modeling;

(iii) stress mapping;

(iv) tracer development;

(v) 3-dimensional tomography; and

(vi) understanding seismic effects of deep drilling and reservoir engineering;

(H) support the development and application of the full range of geothermal technologies and applications; and

(I)(i) study the potential to apply geothermal heat exchange technologies to new and existing Federal buildings; and

(ii) in cooperation with the Administrator of General Services, develop and carry out 2 demonstration projects with geothermal heat exchange technologies, of which—

(I) 1 project shall involve the construction of a new Federal building; and

(II) 1 project shall involve the renovation of an existing Federal building.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this subsection—

(A) $75,000,000 for fiscal year 2008;

(B) $110,000,000 for each of fiscal years 2009 through 2012; and

(C) for fiscal year 2013 and each fiscal year thereafter through fiscal year 2030, such sums as are necessary.

(e) GEOTHERMAL ASSESSMENT, EXPLORATION INFORMATION, AND PRIORITY ACTIVITIES.—

(1) INTERIOR.—In carrying out the Initiative, the Secretary of the Interior—

(A) acting through the Director of the United States Geological Survey, shall, not later than 2010—

(i) conduct and complete a comprehensive nationwide geothermal resource assessment that examines the full range of geothermal resources in the United States; and

(ii) submit to the appropriate committees of Congress a report describing the results of the assessment; and

(B) in planning and leasing, shall consider the national goal established under this title.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior to carry out this subsection—

(A) $15,000,000 for fiscal year 2008;

(B) $25,000,000 for each of fiscal years 2009 to 2012; and

(C) for fiscal year 2013 and each fiscal year thereafter through fiscal year 2030, such sums as are necessary.

SEC. 806. INTERMOUNTAIN WEST GEOTHERMAL CONSORTIUM.

Section 237 of the Energy Policy Act of 2005 (42 U.S.C. 15874) is amended by adding at the end the following:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $5,000,000 for each of fiscal years 2008 through 2013; and

''(2) such sums as are necessary for each of fiscal years 2014 through 2020.''.

SEC. 807. INTERNATIONAL MARKET SUPPORT FOR GEOTHERMAL ENERGY DEVELOPMENT.

(a) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—The United States Agency for International Development, in coordination with other appropriate Federal and multilateral agencies, shall support international and regional development to promote the use of geothermal resources, including (as appropriate) the African Rift Geothermal Development Facility.

(b) UNITED STATES TRADE AND DEVELOPMENT AGENCY.—The United States Trade and Development Agency shall support the Initiative by—

(1) encouraging participation by United States firms in actions taken to carry out subsection (a); and

(2) providing grants and other financial support for feasibility and resource assessment studies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 808. ALASKA GEOTHERMAL CENTER.

(a) IN GENERAL.—The Secretary may participate in a consortium described in subsection (b) to address science and science policy issues relating to the expanded discovery and use of geothermal energy, including geothermal energy generated from geothermal resources on public land.

(b) ADMINISTRATION.—The consortium referred to in subsection (a) shall—

(1) be known as the ''Alaska Geothermal Center'';

(2) be a regional consortium of institutions and government agencies that focuses on building collaborative efforts among—

(A) institutions of higher education in the State of Alaska;

(B) other regional institutions of higher education; and

(C) State agencies;

(3) include—

(A) the Energy Authority of the State of Alaska;

(B) the Denali Commission established by section 303 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105-277); and

(C) the University of Alaska-Fairbanks;

(4) be hosted and managed by the University of Alaska-Fairbanks; and

(5) have—

(A) a director appointed by the head of the Energy Authority of the State of Alaska; and

(B) associate directors appointed by each participating institution.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2013.

SA 1587. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

SEC. 26__. RENEWABLE ENERGY INNOVATION MANUFACTURING PARTNERSHIP.

(a) ESTABLISHMENT.—The Secretary shall carry out a program, to be known as the Renewable Energy Innovation Manufacturing Partnership Program (referred to in this section as the ''Program''), to make grants to eligible entities for use in carrying out research, development, and demonstration relating to the manufacturing of renewable energy technologies.

(b) SOLICITATION.—To carry out the Program, the Secretary shall annually conduct a competitive solicitation for projects.

(c) PROGRAM PURPOSES.—The purposes of the Program are—

(1) to develop, or aid in the development of, advanced manufacturing processes, materials, and infrastructure;

(2) to increase the domestic production of renewable energy technology and components; and

(3) to better coordinate Federal, State, and private resources to meet regional and national renewable energy goals through advanced manufacturing partnerships.

(d) ELIGIBLE ENTITIES.—An entity shall be eligible to receive a grant under the Program to carry out an eligible project described in subsection (e) if the entity is composed of—

(1) 1 or more public or private nonprofit institutions, engaged in research, development, demonstration, or technology transfer, that would participate substantially in the project; and

(2) 1 or more private entities engaged in the manufacturing or development of renewable energy system components (including solar energy, wind energy, biomass, geothermal energy, or fuel cells).

(e) ELIGIBLE PROJECTS.—An eligible entity may use a grant provided under this section to carry out a project relating to—

(1) the conduct of studies of market opportunities for component manufacturing of renewable energy systems;

(2) the conduct of multiyear applied research, development, demonstration, and deployment projects for advanced manufacturing processes, materials, and infrastructure for renewable energy systems; and

(3) other similar ventures, as approved by the Secretary, that promote advanced manufacturing of renewable technologies.

(f) CRITERIA AND GUIDELINES.—The Secretary shall establish criteria and guidelines for the submission, evaluation, and funding of proposed projects under the Program.

(g) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a project carried out under this section.

(h) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) shall apply to a project carried out under this subsection.

(i) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary should ensure that small businesses engaged in renewable manufacturing be considered for loan guarantees authorized under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2008 through 2013, to remain available until expended.

SA 1588. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 151. STUDY OF DEVELOPMENT OF CARBON LABELING SYSTEM FOR GOODS SOLD IN THE UNITED STATES.

(a) IN GENERAL.—For purposes of increasing awareness of carbon emissions, not later than 90 days after the date of enactment of this Act, the Secretary shall initiate a study of the potential for creating a carbon labeling system for all food, goods, and products sold or manufactured in the United States.

(b) INCLUSIONS.—The study under subsection (a) shall include the development of a cogent and effective carbon emission standard that—

(1) is feasible for implementation by producers and manufacturers; and

(2) is based on carbon emissions, from the manufacturing to marketing stages, of all food, goods, and products sold or manufactured in the United States.

SA 1589. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 116, strike line 17 and insert the following:

(C) PREFERENCE.—In providing financial assistance under this subsection, the Secretary shall give preference to higher-education for-profit partnerships involved in the development of liquid crystal, photovoltaic, and wind technologies that—

(i) increase energy efficiency; and

(ii) improve the economic competitiveness of the United States.

(D) COMPETITIVE AWARDS.—The provision

SA 1590. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 199, line 5, insert ''**, INSTITUTIONS OF HIGHER EDUCATION, AND NONPROFIT HOSPITALS**'' after ''**GOVERNMENTS**''.

On page 199, lines 12 and 13, strike ''governments (such as municipalities and counties), with respect to local government buildings'' and insert '' governments (such as municipalities and counties), institutions of higher education, and nonprofit hospitals, with respect to buildings operated by those entities''.

On page 200, line 3, insert ''in which the local government, institution of higher education, or nonprofit hospital, as applicable, is located'' after ''community''.

On page 201, line 4, insert '', institution of higher education, and nonprofit hospital'' before ''that receives''.

On page 201, line 6, strike ''local government''.

On page 201, line 7, insert ''sustainable and'' before ''cost-effective''.

On page 201, line 20, strike ''$20,000,000'' and insert ''$25,000,000''.

SA 1591. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, after line 21, add the following:

SEC. 305. PREFERENCE FOR EXISTING AND FORMER DEPARTMENT OF ENERGY FACILITIES AND SITES.

In selecting sites or facilities for the conduct of projects and activities authorized under section 963(c) of the Energy Policy Act of 2005 (42 U.S.C. 16293(c)) (as amended by section 302) and sections 303 and 304, the Secretary shall give preference to—

(1) Department of Energy sites and facilities in existence on the date of enactment of this Act; and

(2) Department of Energy sites and facilities that have been deactivated or decommissioned before the date of enactment of this Act.

SA 1592. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5___. EMISSION STANDARDS FOR SPARK-IGNITION ENGINES.

Section 213 of the Clean Air Act (42 U.S.C. 7547) is amended by adding at the end the following:

''(e) EMISSION STANDARDS FOR SPARK-IGNITION ENGINES.—

''(1) DEFINITION OF SPARK-IGNITION ENGINE.—In this subsection, the term 'spark-ignition engine' means an engine that uses spark-ignition (as described in section 89.2 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection)).

''(2) STANDARDS.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall by regulation establish standards for the reduction in emissions of total hydrocarbons, oxides of nitrogen, and carbon monoxide from spark-ignition engines as specified in the following table:

''Emission limitations for spark-ignition engines

Type of spark-ignition engine	Required reduction in HC + NO_x	Required reduction in CO	Applicable model years
Outboard or personal watercraft marine engine producing more than 45 hp.	12 g/kW-hr	185 g/kW-hr	2011 and thereafter
Sterndrive or inboard marine engine	3 g/kW-hr	65 g/kW-hr	2010 and thereafter
Class I engines producing less than 30 hp	8 g/kW-hr	.....	2012 and thereafter
Class II engines producing less than 30 hp	7 g/kW-hr	.....	2011 and thereafter''.

SA 1593. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 251, line 14, strike ''(e)'' and insert the following:

(e) ALTERNATIVE FUEL ECONOMY STANDARDS FOR LOW VOLUME MANUFACTURERS AND NEW ENTRANTS.—Section 32902(d) of title 49, United States Code, is amended to read as follows:

''(d) ALTERNATIVE AVERAGE FUEL ECONOMY STANDARD.—

''(1) IN GENERAL.—Upon the application of an eligible manufacturer, the Secretary of Transportation may prescribe an alternative average fuel economy standard for automobiles manufactured by that manufacturer if the Secretary determines that—

''(A) the applicable standard prescribed under subsection (a), (b), or (c) is more stringent than the maximum feasible average fuel economy level that manufacturer can achieve; and

''(B) the alternative average fuel economy standard prescribed under this subsection is the maximum feasible average fuel economy level that manufacturer can achieve.

''(2) APPLICATION OF ALTERNATIVE STANDARD.—The Secretary may provide for the application of an alternative average fuel economy standard prescribed under paragraph (1) to—

''(A) the manufacturer that applied for the alternative average fuel economy standard;

''(B) all automobiles to which this subsection applies; or

''(C) classes of automobiles manufactured by eligible manufacturers.

''(3) IMPORTERS.—Notwithstanding paragraph (1), an importer registered under section 30141(c) may not be exempted as a manufacturer under paragraph (1) for an automobile that the importer—

''(A) imports; or

''(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 for an individual described in section 30142.

''(4) APPLICATION.—The Secretary of Transportation may prescribe the contents of an application for an alternative average fuel economy standard.

''(5) ELIGIBLE MANUFACTURER DEFINED.—In this section, the term 'eligible manufacturer' means a manufacturer that—

''(A) sold in the United States fewer than 0.5 percent of the number of automobiles sold in the United States in the model year that is 2 years before the model year to which the application relates; and

''(B) will sell in the United States fewer than 0.5 percent of the automobiles sold in the United States for the model year for which the alternative average fuel economy standard will apply.''.

(f)

SA 1594. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 151. STUDY OF ESTABLISHMENT OF A REFINED PETROLEUM PRODUCT RESERVE.

(a) IN GENERAL.—The Secretary, in consultation with other Federal agencies as the Secretary determines to be necessary, shall conduct a study on the need for, and feasibility of, maintaining a refined petroleum product reserve.

(b) COMPONENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) consider whether consolidation in the oil industry during the 1990s resulted in reduced commercial crude oil and refined petroleum product inventories;

(2) evaluate whether other major energy-consuming countries hold significantly different quantities of commercial and strategic stocks of crude oil and refined petroleum products, as compared to the United States;

(3) analyze whether strategic stocks of refined petroleum products held by the Federal Government could be used to increase flexibility in the motor gasoline, diesel, and jet fuel markets of the United States;

(4) determine the types of storage facilities that may be appropriate for maintaining a refined petroleum product reserve, including identification of specific facilities and or potential facilities that could be used for a refined petroleum product reserve;

(5) address the comparative benefits of storing motor gasoline, diesel, and jet fuel in a refined product reserve; and

(6) identify potential barriers to the establishment of a refined petroleum product reserve.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under this section.2

SA 1595. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 122, between lines 19 and 20, insert the following:

(e) SET ASIDE FOR SMALL AUTOMOBILE MANUFACTURERS AND COMPONENT SUPPLIERS.—

(1) DEFINITION OF COVERED FIRM.—In this subsection, the term ''covered firm'' means a firm that—

(A) employs less than 500 individuals; and

(B) manufactures automobiles or components of automobiles.

(2) SET ASIDE.—Of the amount of funds that are used to provide awards for each fiscal year under this section, the Secretary shall use not less than 30 percent of the amount to provide awards to covered firms.

SA 1596. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 151. STUDY OF ADEQUACY OF REFINING INFRASTRUCTURE.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the adequacy of the refining infrastructure in the United States.

(b) EVALUATIONS.—In conducting the study, the Comptroller General shall include an evaluation of—

(1) each action taken by the United States to ensure the energy security of the United States in the event of a hurricane or other natural disaster;

(2) whether the refining infrastructure of the United States is adequate for the future; and

(3)(A) whether, in the absence of additional capacity, providing product stocks to existing refineries would improve supply reliability during supply disruptions; and

(B) the costs associated with providing those product stocks.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to Congress a report that describes the results of the study, including any recommendations.

SA 1597. Mr. INOUYE (for himself, and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, strike lines 1 through 17.

Beginning on page 56, line 17, strike through line 4 of page 59.

On page 277, between lines 5 and 6, insert the following:

SEC. ———. STUDY OF THE ADEQUACY OF TRANSPORTATION OF DOMESTICALLY-PRODUCED RENEWABLE FUEL BY RAILROADS AND OTHER MODES OF TRANSPORTATION.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Transportation and the Secretary of Energy shall jointly conduct a study of the adequacy of transportation of domestically-produced renewable fuels by railroad and other modes of transportation as designated by the Secretaries.

(2) COMPONENTS.—In conducting the study under paragraph (1), the Secretaries shall—

(A) consider the adequacy of existing railroad and other transportation infrastructure, equipment, service and capacity to move the necessary quantities of domestically-produced renewable fuel within the timeframes required by section 111;

(B)(i) consider the projected costs of moving the domestically-produced renewable fuel by railroad and other modes transportation; and

(ii) consider the impact of the projected costs on the marketability of the domestically-produced renewable fuel;

(C) identify current and potential impediments to the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices, including practices currently utilized by domestic producers, shippers, and receivers of renewable fuels;

(D) consider whether inadequate competition exists within and between modes of transportation for the transportation of domestically-produced renewable fuel and, if such inadequate competition exists, whether such inadequate competition leads to an unfair price for the transportation of domestically-produced renewable fuel or unacceptable service for transportation of domestically-produced renewable fuel;

(E) consider whether Federal agencies have adequate legal authority to address instances of inadequate competition when inadequate competition is found to prevent domestic producers for renewable fuels from obtaining a fair and reasonable transportation price or acceptable service for the transportation of domestically-produced renewable fuels;

(F) consider whether Federal agencies have adequate legal authority to address railroad and transportation service problems that may be resulting in inadequate supplies of domestically-produced renewable fuel in any area of the United States;

(G) consider what transportation infrastructure capital expenditures may be necessary to ensure the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices within the United States and which public and private entities should be responsible for making such expenditures; and

(K) provide recommendations on ways to facilitate the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretaries shall jointly submit to the Committee on Commerce, Science and Transportation and the Committee on Energy and Natural Resources of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study conducted under subsection (a).

SA 1598. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 13, strike ''and''.

On page 7, line 16, strike the period and insert ''; and''.

On page 7, between lines 16 and 17, insert the following:

(vii) natural gas, including liquid fuels domestically produced from natural gas; and

(viii) coal-derived liquid fuels.

On page 13, after the table, between lines 5 and 6, insert the following:

(B) ENVIRONMENTAL COMPLIANCE VALUE.—

(i) IN GENERAL.—In addition to the requirements of subparagraph (A)(ii), the President shall designate additional compliance value factors based on the environmental performance of each alternative fuel, based on criteria and other pollution reductions, in an amount equal to an additional compliance value of 0.10 for every 10-percent reduction in the emissions of nitrogen oxide, sulfur dioxide, volatile organic compound, particulate

matter, or any other air pollutant listed as a criteria pollutant by the Administrator of the Environmental Protection Agency.

(ii) METHOD OF DETERMINATION.—In determining a factor under clause (i), the President shall use the findings of the regulatory impact analysis of the Environmental Protection Agency for the renewable fuel standard dated April 2007.

On page 13, line 6, strike ''(B)'' and insert ''(C)''.

On page 13, line 7, strike ''(C)'' and insert ''(D)''.

On page 14, line 15, strike ''(C)'' and insert ''(D)''.

On page 14, line 16, strike ''(D)'' and insert ''(E)''.

On page 15, line 6, strike ''(D)'' and insert ''(E)''.

On page 15, line 8, strike ''(C)'' and insert ''(D)''.

SA 1599. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 151. ALTERNATIVE HYDROCARBON AND RENEWABLE RESERVES DISCLOSURES CLASSIFICATION SYSTEM.

(a) IN GENERAL.—The Chairperson of the Securities and Exchange Commission shall appoint a task force, to be composed of representatives of the Federal Government and the private sector (including experts in the field of dedicated energy crop feedstocks for cellulosic biofuels production), to analyze, and submit to Congress a report (including recommendations) on—

(1) modernization of the hydrocarbon reserves disclosures classification system of the Commission to reflect advances in reserves recovery from nontraditional sources (such as deep water, oil shale, tar sands, and renewable reserves for cellulosic biofuels feedstocks); and

(2) the creation of a renewable reserves classification system for cellulosic biofuels feedstocks.

(b) DEADLINE.—The task force shall submit the report required under subsection (a) by not later than 180 days after the date of enactment of this Act.

SA 1600. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 151. EVALUATION OF FISCHER-TROPSCH DIESEL AND JET FUEL AS AN EMISSION CONTROL STRATEGY.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator''), in cooperation with the Secretary, the Secretary of Defense, the Administrator of the Federal Aviation Administration, the Secretary of Health and Human Services, and Fischer-Tropsch industry representatives, shall—

(1) conduct a research and demonstration program to evaluate the air quality benefits of ultra-clean Fischer-Tropsch transportation fuel, including diesel and jet fuel;

(2) evaluate the use of ultra-clean Fischer-Tropsch transportation fuel as a mechanism for reducing engine exhaust emissions; and

(3) submit to Congress recommendations on the most effective uses and associated benefits of those ultra-clean fuels with respect to reducing public exposure to exhaust emissions.

(b) GUIDANCE AND TECHNICAL SUPPORT.—The Administrator shall issue, to the extent necessary, such guidance and technical support documents that the Administrator determines would facilitate the effective use and associated benefits of Fischer-Tropsch fuel and blends.

(c) REQUIREMENTS.—In carrying out this section, the Administrator shall take into consideration—

(1) the use of neat (100-percent) Fischer-Tropsch fuel and blends with conventional crude oil-derived fuel for heavy-duty and light-duty diesel engines and the aviation sector; and

(2) the production costs associated with domestic production of those ultra-clean fuel, and prices for consumers.

(d) REPORTS.—The Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives—

(1) not later than 180 days after the date of enactment of this Act, an interim report on actions taken to carry out this section; and

(2) not later than 1 year after the date of enactment of this Act, a final report on actions taken to carry out this section.

SA 1601. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, after line 25, add the following:

(3) SALE OF CREDITS.—

(A) IN GENERAL.—The President shall make available additional credits under this subsection for sale to refineries, blenders, and importers that are subject to subsection (b)(2)(B) at a price of $1.00 per gallon of gasoline equivalent.

(B) USE OF CREDITS.—A refinery, blender, or importer may use a credit purchased under subparagraph (A) to comply with the renewable fuel obligation applicable to the refinery, blender, or importer under subsection (b)(2) for the calendar year in which the credit is purchased.

(C) DEPOSIT OF REVENUE.—For each of fiscal years 2008 through 2022, revenues received as a result of sales of credits under this paragraph shall be deposited into the general fund of the Treasury.

SA 1602. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. TRANSITIONAL ASSISTANCE FOR FARMERS WHO PLANT DEDICATED ENERGY CROPS FOR A LOCAL CELLULOSIC REFINERY.

(a) DEFINITIONS.—In this section:

(1) CELLULOSIC CROP.—The term ''cellulosic crop'' means a tree or grass that is grown specifically—

(A) to provide raw materials (including feedstocks) for conversion to liquid transportation fuels or chemicals through biochemical or thermochemical processes; or

(B) for energy generation through combustion, pyrolysis, or cofiring.

(2) CELLULOSIC REFINER.—The term ''cellulosic refiner'' means the owner or operator of a cellulosic refinery.

(3) CELLULOSIC REFINERY.—The term ''cellulosic refinery'' means a refinery that processes a cellulosic crop.

(4) QUALIFIED CELLULOSIC CROP.—The term ''qualified cellulosic crop'' means, with respect to an agricultural producer, a cellulosic crop that is—

(A) the subject of a contract or memorandum of understanding between the producer and a cellulosic refiner, under which the producer is obligated to sell the crop to the cellulosic refiner by a certain date; and

(B) produced not more than 70 miles from a cellulosic refinery owned or operated by the cellulosic refiner.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) TRANSITIONAL ASSISTANCE PAYMENTS.—The Secretary shall make transitional assistance payments to an agricultural producer during the first year in which the producer devotes land to the production of a qualified cellulosic crop.

(c) AMOUNT OF PAYMENT.—

(1) DETERMINED BY FORMULA.—Subject to paragraph (2), the Secretary shall devise a formula to be used to calculate the amount of a payment to be made to an agricultural producer under this section, based on the opportunity cost (as determined in accordance with such standard as the Secretary may establish, taking into consideration land rental rates and other applicable costs) incurred by the producer during the first year in which the producer devotes land to the production of the qualified cellulosic crop.

(2) LIMITATION.—The total of the amount paid to a producer under this section shall not exceed an amount equal to 25 percent of the amounts made available under subsection (e) for the applicable fiscal year.

(d) REGULATIONS.—The Secretary shall promulgate such regulations as the Secretary determines to be necessary to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,088,000 for each of fiscal years 2008 through 2012, to remain available until expended.

SA 1603. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our

Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes, which was ordered to lie on the table; as follows:

On page 142, strike lines 19 through 25 and insert the following:

''subject to section 400AA requiring that—

''(A) not later than October 1, 2015, each Federal agency shall achieve at least a 20-percent reduction in petroleum consumption, and shall increase alternative fuel consumption by not less than 10 percent annually, as calculated from the baseline established by the Secretary for fiscal year 2005; and

''(B) of the inventory of the Federal fleet—

''(i) not less than 15 percent shall be hybrid or flex-fuel vehicles by January 1, 2015; and

''(ii) not less than 25 percent shall be hybrid or flex-fuel vehicles by January 1, 2020.

On page 143, lines 5 and 6, strike ''and the alternative fuel consumption increases'' and insert '', the alternative fuel consumption increases, and the hybrid or flex-fuel vehicle requirements''.

SA 1604. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes, which was ordered to lie on the table; as follows:

At the end of subtitle F of title II, add the following:

SEC. 279. UPDATING STATE BUILDING ENERGY EFFICIENCY CODES AND STANDARDS.

(a) UPDATING NATIONAL MODEL BUILDING ENERGY CODES AND STANDARDS.—

(1) UPDATING.—

(A) IN GENERAL.—The Secretary shall facilitate the updating of national model building energy codes and standards at least every 3 years to achieve overall energy savings, compared to the 2006 International Energy Conservation Code (referred to in this section as the ''IECC'') for residential buildings and ASHRAE/IES Standard 90.1 (2004) for commercial buildings, of at least—

(i) 30 percent by 2015; and

(ii) 50 percent by 2022.

(B) MODIFICATION OF GOAL.—If the Secretary determines that the goal referred to in subparagraph (A)(ii) cannot be achieved using existing technology, or would not be lifecycle cost effective, the Secretary shall establish, after providing notice and an opportunity for public comment, a revised goal that ensures the maximum level of energy efficiency that is technologically feasible and lifecycle cost effective.

(2) REVISION OF CODES AND STANDARDS.—

(A) IN GENERAL.—If the IECC or ASHRAE/IES Standard 90.1 regarding building energy use is revised, not later than 1 year after the date of the revision, the Secretary shall determine whether the revision will—

(i) improve energy efficiency in buildings; and

(ii) meets the targets established under paragraph (1).

(B) REVISION BY SECRETARY.—

(i) IN GENERAL.—If the Secretary makes a determination under subparagraph (A)(ii) that a code or standard does not meet the targets established under paragraph (1), or if a national model code or standard is not updated for more than 3 years, not later than 2 years after the determination or the expiration of the 3-year period, the Secretary shall amend the IECC or ASHRAE/IES Standard 90.1 (as in effect on the date on which the determination is made) to establish a modified code or standard that meets the targets established under paragraph (1).

(ii) BASELINE.—The modified code or standard shall serve as the baseline for the next determination under subparagraph (A)(i).

(C) NOTICE AND COMMENT.—The Secretary shall—

(i) publish in the Federal Register notice of targets, determinations, and modified codes and standards under this subsection; and

(ii) provide the opportunity for public comment on targets, determinations, and modified codes and standards under this subsection.

(b) STATE CERTIFICATION OF BUILDING ENERGY CODE UPDATES.—

(1) STATE CERTIFICATION.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, each State shall certify to the Secretary that the State has reviewed and updated the residential and commercial building code of the State regarding energy efficiency.

(B) ENERGY SAVINGS.—The certification shall include a demonstration that the code of the State—

(i) meets or exceeds the 2006 IECC for residential buildings and the ASHRAE/IES Standard 90.1–2004 for commercial buildings; or

(ii) achieves equivalent or greater energy savings.

(2) REVISION OF CODES AND STANDARDS.—

(A) IN GENERAL.—If the Secretary makes an affirmative determination under subsection (a)(2)(A)(i) or establishes a modified code or standard under subsection (a)(2)(B), not later than 2 years after the determination or proposal, each State shall certify that the State has reviewed and updated the building code of the State regarding energy efficiency.

(B) ENERGY SAVINGS.—The certification shall include a demonstration that the code of the State—

(i) meets or exceeds the revised code or standard; or

(ii) achieves equivalent or greater energy savings.

(C) REVIEW AND UPDATING BY STATES.—If the Secretary fails to make a determination under subsection (a)(2)(A)(i) by the date specified in subsection (a)(2) or makes a negative determination under subsection (a)(2)(A), not later 3 years after the specified date or the date of the determination, each State shall certify that the State has—

(i) reviewed the revised code or standard; and

(ii) updated the building code of the State regarding energy efficiency to—

(I) meet or exceed any provisions found to improve energy efficiency in buildings; or

(II) achieve equivalent or greater energy savings in other ways.

(c) STATE CERTIFICATION OF COMPLIANCE WITH BUILDING CODES.—

(1) IN GENERAL.—Not later than 3 years after a certification of a State under subsection (b), the State shall certify that the State has achieved compliance with the certified building energy code.

(2) RATE OF COMPLIANCE.—The certification shall include documentation of the rate of compliance based on independent inspections of a random sample of the new and renovated buildings covered by the code during the preceding year.

(3) COMPLIANCE.—A State shall be considered to achieve compliance with the certified building energy code under paragraph (1) if—

(A) at least 90 percent of new and renovated buildings covered by the code during the preceding year substantially meet all the requirements of the code; or

(B) the estimated excess energy use of new and renovated buildings that did not meet the code during the preceding year, compared to a baseline of comparable buildings that meet the code, is not more than 10 percent of the estimated energy use of all new and renovated buildings covered by the code during the preceding year.

(d) FAILURE TO MEET DEADLINES.—

(1) REPORTS.—A State that has not made a certification required under subsection (b) or (c) by the applicable deadline shall submit to the Secretary a report on—

(A) the status of the State with respect to completing and submitting the certification; and

(B) a plan of the State for completing and submitting the certification.

(2) EXTENSIONS.—The Secretary shall permit an extension of an applicable deadline for a certification requirement under subsection (b) or (c) for not more than 1 year if a State demonstrates in the report of the State under paragraph (1) that the State has made—

(A) a good faith effort to comply with the requirements; and

(B) significant progress in complying with the requirements, including by developing and implementing a plan to achieve that compliance.

(3) NONCOMPLIANCE BY STATE.—Any State for which the Secretary has not accepted a certification by a deadline established under subsection (b) or (c), with any extension granted under paragraph (2), shall be considered not in compliance with this section.

(4) COMPLIANCE BY LOCAL GOVERNMENTS.—In any State that is not in compliance with this section, a local government of the State may comply with this section by meeting the certification requirements under subsections (b) and (c).

(5) ANNUAL COMPLIANCE REPORTS.—

(A) IN GENERAL.—The Secretary shall annually submit to Congress a report that contains, and publish in the Federal Register, a list of—

(i) each State (including local governments in a State, as applicable) that is in compliance with the requirements of this section; and

(ii) each State that is not in compliance with those requirements.

(B) INCLUSION.—For each State included on a list described in subparagraph (A)(ii), the Secretary shall include an estimate of—

(i) the increased energy use by buildings in that State due to the failure of the State to comply with this section; and

(ii) the resulting increase in energy costs to individuals and businesses.

(e) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall provide technical assistance (including building energy analysis and design tools, building demonstrations, and design assistance and training) to enable the national model building energy codes and standards to meet the targets established under subsection (a)(1).

(2) ASSISTANCE TO STATES.—The Secretary shall provide technical assistance to States to—

(A) implement this section, including procedures for States to demonstrate that the codes of the States achieve equivalent or

greater energy savings than the national model codes and standards;

(B) improve and implement State residential and commercial building energy efficiency codes; and

(C) otherwise promote the design and construction of energy efficient buildings.

(f) AVAILABILITY OF INCENTIVE FUNDING.—

(1) IN GENERAL.—The Secretary shall provide incentive funding to States to—

(A) implement this section; and

(B) improve and implement State residential and commercial building energy efficiency codes, including increasing and verifying compliance with the codes.

(2) FACTORS.—In determining whether, and in what amount, to provide incentive funding under this subsection, the Secretary shall consider the actions proposed by the State to—

(A) implement this section;

(B) improve and implement residential and commercial building energy efficiency codes; and

(C) promote building energy efficiency through the use of the codes.

(3) ADDITIONAL FUNDING.—The Secretary shall provide additional funding under this subsection for implementation of a plan to achieve and document at least a 90 percent rate of compliance with residential and commercial building energy efficiency codes, based on energy performance—

(A) to a State that has adopted and is implementing, on a statewide basis—

(i) a residential building energy efficiency code that meets or exceeds the requirements of the 2006 IECC, or any succeeding version of that code that has received an affirmative determination from the Secretary under subsection (a)(2)(A)(i); and

(ii) a commercial building energy efficiency code that meets or exceeds the requirements of the ASHRAE/IES Standard 90.1–2004, or any succeeding version of that standard that has received an affirmative determination from the Secretary under subsection (a)(2)(A)(i); or

(B) in a State in which there is no statewide energy code either for residential buildings or for commercial buildings, to a local government that has adopted and is implementing residential and commercial building energy efficiency codes, as described in subparagraph (A).

(4) TRAINING.—Of the amounts made available under this subsection, the Secretary may use to train State and local officials to implement codes described in paragraph (3) at least $500,000 for each fiscal year.

(5) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to carry out this subsection—

(i) $25,000,000 for each of fiscal years 2006 through 2010; and

(ii) such sums as are necessary for fiscal year 2011 and each fiscal year thereafter.

(B) LIMITATION.—Funding provided to States under paragraph (3) for each fiscal year shall not exceed ½ of the excess of funding under this subsection over $5,000,000 for the fiscal year.

(g) TECHNICAL CORRECTION.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832) is amended by adding at the end the following:

''(17) IECC.—The term 'IECC' means the International Energy Conservation Code.''.

SA 1605. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes, which was ordered to lie on the table; as follows:

On page 117, between lines 15 and 16, insert the following:

SEC. 234. STATE REQUIREMENTS FOR ENERGY EFFICIENCY.

Section 327(d) of the Energy Policy and Conservation Act (42 U.S.C. 6297(d)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by striking ''paragraphs (2) through (5)'' and inserting ''paragraphs (2) and (3)''; and

(ii) by striking ''such State regulation is needed to meet unusual and compelling State or local energy or water interests'' and inserting ''the benefit of the State regulation outweighs the cost of the State regulation''; and

(B) by striking subparagraph (C) and inserting the following:

''(C) DEFINITIONS.—In this subsection:

''(i) BENEFIT.—The term 'benefit' means—

''(I) the lifecycle cost savings to consumers of a State that files a petition under subparagraph (A); and

''(II) the energy savings to consumers of a State that files a petition under subparagraph (A).

''(ii) COST.—The term 'cost' means any burden to the consumers of a State, including additional costs from manufacturing, distribution, sale, or service of a product covered by the regulation of the State on a national basis.'';

(2) in paragraph (3), by striking ''significantly burden'' and all that follows through the end of the paragraph and inserting ''not provide any benefit.''; and

(3) by striking paragraphs (4) through (6).

SA 1606. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes, which was ordered to lie on the table; as follows:

Beginning on page 93, strike line 2 and all that follows through page 95, line 25, and insert the following:

of the final rule establishing a standard.

''(5) FAILURE TO PUBLISH FINAL DETERMINATION OR STANDARD.—Notwithstanding section 327, if the Secretary does not publish a final determination for a product by the date required under paragraph (1) or a final standard requiring greater energy efficiency or lower energy use than the federal minimum standards in effect for a product by the date required under paragraph (3), no State standard for the product shall be preempted until the earlier of—

''(A) the date on which an amended final standard for the product published by the Secretary takes effect; or

''(B) the date that is 3 years after the date of publication of a final determination of the Secretary not to amend the applicable standard.''.

(c) STANDARDS.—Section 342(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended by striking paragraph (6) and inserting the following:

''(6) AMENDED ENERGY EFFICIENCY STANDARDS.—

''(A) ANALYSIS OF POTENTIAL ENERGY SAVINGS.—If ASHRAE/IES Standard 90.1 is amended with respect to any small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, packaged terminal central and commercial air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, or unfired hot water storage tanks, not later than 180 days after the amendment of the standard, the Secretary shall publish in the Federal Register for public comment an analysis of the energy savings potential of amended energy efficiency standards.

''(B) AMENDED UNIFORM NATIONAL STANDARD FOR PRODUCTS.—

''(i) IN GENERAL.—Except as provided in clause (ii), not later than 18 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for a product described in subparagraph (A), the Secretary shall establish an amended uniform national standard for the product at the minimum level for the applicable effective date specified in the amended ASHRAE/IES Standard 90.1.

''(ii) MORE STRINGENT STANDARD.—Clause (i) shall not apply if the Secretary determines, by rule published in the Federal Register, and supported by clear and convincing evidence, that adoption of a uniform national standard more stringent than the amended ASHRAE/IES Standard 90.1 for the product would result in significant additional conservation of energy and is technologically feasible and economically justified.

''(C) RULE.—If the Secretary makes a determination described in subparagraph (B)(ii) for a product described in subparagraph (A), not later than 30 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for the product, the Secretary shall issue the rule establishing the amended standard.

''(D) AMENDMENT OF STANDARDS.—

''(i) IN GENERAL.—After issuance of the most recent final rule for a product under this subsection, not later than 5 years after the date of issuance of a final rule establishing or amending a standard or determining not to amend a standard, the Secretary shall publish a final rule to determine whether standards for the product should be amended based on the criteria described in subparagraph (A).

''(ii) ANALYSIS.—Prior to publication of the determination, the Secretary shall publish a notice of availability describing the analysis of the Department and provide opportunity for written comment.

''(iii) FINAL RULE.—Not later than 3 years after a positive determination under clause (i), the Secretary shall publish a final rule amending the standard for the product.

''(iv) FAILURE TO PUBLISH FINAL DETERMINATION OR STANDARD.—Notwithstanding sections 327 and 345(b)(2)(A), if the Secretary does not publish a final determination for a product by the date required under clause (i) or a final standard requiring greater energy efficiency or lower energy use than the federal minimum standards in effect for a product by a date required under clause (iii), no State standard for the product shall be preempted until the earlier of—

''(I) the date on which an amended final standard for the product published by the Secretary takes effect; and

''(II) the date that is 3 years after the date of publication of a final determination of the Secretary not to amend the applicable standard.''.

SA 1607. Mr. GREGG (for himself, Mrs. FEINSTEIN, Mr. SUNUNU, Mr. KYL, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ELIMINATION OF ETHANOL TARIFF AND DUTY.

(a) IN GENERAL.—

(1) ELIMINATION OF PERMANENT TARIFF OF 2.5 PERCENT.—Subheading 2207.10.60 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking the column 1 general rate of duty and inserting ''Free''; and

(B) by striking the matter contained in the column 1 special rate of duty column and inserting ''Free''.

(2) ELIMINATION OF PERMANENT TARIFF OF 1.9 PERCENT.—

(A) IN GENERAL.—Chapter 22 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

''	2207.20.20	Ethyl alcohol and other spirits, denatured, of any strength (if used as a fuel or in a mixture to be used as a fuel)	Free	Free (A+, AU, BH, CA, CL, D, E, IL, J, JO, MA, MX, P, SG)	20%		''.

(B) CONFORMING AMENDMENT.—The article description for subheading 2207.20.00 of the Harmonized Tariff Schedule of the United States is amended by inserting ''(not provided for in subheading 2207.20.20)'' after ''strength''.

(b) REPEAL OF TEMPORARY DUTY OF 54 CENTS PER GALLON.—Subchapter I of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking heading 9901.00.50; and

(2) by striking U.S. Notes 2 and 3 relating to heading 9901.00.50.

(c) EFFECTIVE DATE.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SA 1608. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

In section 102(1)(B)(v), strike ''and'' at the end.

In section 102(1)(B)(vi), strike the period at the end and insert ''; and''.

At the end of section 102(1)(B), add the following:

(vii) after December 31, 2015, any fuel that—

(I) is not derived from crude oil; and

(II) achieves—

(aa) as compared to conventional gasoline, lifecycle emission reductions of 2 or more air pollutants, including—

(AA) sulfur dioxide;

(BB) nitrogen oxides;

(CC) carbon monoxide;

(DD) particulate matter with a diameter smaller than 10 microns; and

(EE) volatile organic compounds; and

(bb) a 20-percent reduction in lifecycle greenhouse gas emissions compared to conventional gasoline.

In section 102, redesignate paragraphs (3) through (7) as paragraphs (4) through (8), respectively, and insert between paragraphs (2) and (4) (as so redesignated) the following:

(3) CLEAN FUEL.—The term ''clean fuel'' means motor vehicle fuel, boiler fuel, or home heating fuel that—

(A) is not derived from crude oil;

(B)(i) as compared to conventional gasoline, has lower lifecycle emissions of 2 or more air pollutants, including—

(I) sulfur dioxide;

(II) nitrogen oxides;

(III) carbon monoxide;

(IV) particulate matter with a diameter smaller than 10 microns; and

(V) volatile organic compounds; or

(ii) achieves a 20-percent reduction in lifecycle greenhouse gas emissions compared to conventional gasoline; and

(C) has lower lifecycle greenhouse gas emissions than conventional gasoline.

In section 102, strike paragraph (6) (as so redesignated) and insert the following:

(6) RENEWABLE FUEL.—

(A) IN GENERAL.—The term ''renewable fuel'' means motor vehicle fuel, boiler fuel, or home heating fuel that is—

(i) produced from renewable biomass; and

(ii) used to replace or reduce the quantity of fossil fuel present in a fuel or fuel mixture used to operate a motor vehicle, boiler, or furnace.

(B) INCLUSION.—The term ''renewable fuel'' includes—

(i) conventional biofuel;

(ii) advanced biofuel; and

(iii) clean fuel.

In section 111(a)(1)(B)(i)(II), insert ''(other than clean fuels)'' after ''renewable fuels''.

SA 1609. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CLEAN ENERGY CORRIDORS.

Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended—

(1) in subsection (a)—

(A) by striking ''(1) Not later than'' and inserting the following:

''(1) IN GENERAL.—Not later than'';

(B) by striking paragraph (2) and inserting the following:

''(2) REPORT AND DESIGNATIONS.—

''(A) IN GENERAL.—After considering alternatives and recommendations from interested parties (including an opportunity for comment from affected States), the Secretary shall issue a report, based on the study conducted under paragraph (1), in which the Secretary may designate as a national interest electric transmission corridor any geographic area experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers, including constraints or congestion that—

''(i) increases costs to consumers;

''(ii) limits resource options to serve load growth; or

''(iii) limits access to sources of clean energy, such as wind, solar energy, geothermal energy, and biomass.

''(B) ADDITIONAL DESIGNATIONS.—In addition to the corridor designations made under subparagraph (A), the Secretary may designate additional corridors in accordance with that subparagraph upon the application by an interested person, on the condition that the Secretary provides for an opportunity for notice and comment by interested persons and affected States on the application.'';

(C) in paragraph (3), the striking ''(3) The Secretary'' and inserting the following:

''(3) CONSULTATION.—The Secretary''; and

(D) in paragraph (4)—

(i) by striking ''(4) In determining'' and inserting the following:

''(4) BASIS FOR DETERMINATION.—In determining''; and

(ii) by striking subparagraphs (A) through (E) and inserting the following:

''(A) the economic vitality and development of the corridor, or the end markets served by the corridor, may be constrained by lack of adequate or reasonably priced electricity;

''(B)(i) economic growth in the corridor, or the end markets served by the corridor, may be jeopardized by reliance on limited sources of energy; and

''(ii) a diversification of supply is warranted;

''(C) the energy independence of the United States would be served by the designation;

''(D) the designation would be in the interest of national energy policy; and

''(E) the designation would enhance national defense and homeland security.''; and

(2) by adding at the end the following:

''(l) RATES AND RECOVERY OF COSTS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Commission shall promulgate regulations providing for the allocation and recovery of costs prudently incurred by public utilities in building and operating facilities authorized under this section for transmission of electric energy generated from clean sources (such as wind, solar energy, geothermal energy, and biomass).

''(2) APPLICABLE PROVISIONS.—All rates approved under the regulations promulgated under paragraph (1), including any revisions

to the regulations, shall be subject to the requirements under sections 205 and 206 that all rates, charges, terms, and conditions be just and reasonable and not unduly discriminatory or preferential.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 14, 2007, at 9:30 a.m. in open session to mark up the Dignified Treatment of Wounded Warriors Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, June 14, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

The hearing will focus on communications policy issues implicated by the upcoming auction of frequencies in the 700 Megahertz band.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 14, 2007, at 10 a.m. in Dirksen Room 226.

Agenda

I. Committee Authorization

Authorization of Subpoena in Connection with Investigation of Legal Basis for Warrantless Wiretap Program

II. Bills: S.535—Emmett Till Unsolved Civil Rights Crime Act (Dodd, Leahy, Schumer, Kennedy, Hatch, Specter, Cardin, Durbin, Whitehouse); S.456—Gang Abatement and Prevention Act of 2007 (Feinstein, Hatch, Schumer, Specter, Biden, Kyl, Cornyn, Kohl); and S.1145—Patent Reform Act of 2007 (Leahy, Hatch, Schumer, Cornyn, Whitehouse).

III. Nominations: Leslie Southwick to be United States Circuit Judge for the Fifth Circuit.

IV. Resolutions: S. Res. 105—Designating September 2007 as Campus Fire Safety Month (Biden, Kennedy). S. Res. 215—Designating Sept. 25, 2007 as National First Responder Appreciation Day (Allard, Graham).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate in order to conduct a hearing entitled ''The impact of rising gas prices on America's small businesses,'' on Thursday, June 14, 2007, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. BINGAMAN. I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing entitled ''Importing Success: Why work-family policies from abroad make economic sense for the U.S.'', in Room 216 of the Hart Senate Office Building, Thursday, June 14, 2007, from 10 a.m. to 12:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 14, 2007, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Kusai Merchant, who is a fellow in the office of the majority leader, be granted floor privileges during the consideration of H.R. 6 and any votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent that during consideration of the Clean Energy Act of 2007 that Katie Fechko, a fellow in my office, be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. I ask unanimous consent that Mike Burke, a detailee serving in my office, be granted the privilege of the floor during consideration of H.R. 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PRINTING AND SUBMISSION OF TRIBUTES TO SENATOR CRAIG THOMAS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the tributes to Senator Thomas in the CONGRESSIONAL RECORD be printed as a Senate document and that Senators be permitted to submit statements for inclusion until June 29, 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 164, just received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 164) authorizing the use of the Rotunda of the Capitol for a ceremony to award the Congressional Gold Medal to Dr. Norman E. Borlaug.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. NELSON of Florida. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 164) was agreed to.

NATIONAL MEN'S HEALTH WEEK

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 213 and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 213) supporting National Men's Health Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. NELSON of Florida. I ask unanimous consent that the resolution be agreed to, the preamble agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 213) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 213

Whereas, despite advances in medical technology and research, men continue to live an average of almost 6 years less than women, and African-American men have the lowest life expectancy;

Whereas all 10 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas, between ages 45 and 54, men are 3 times more likely than women to die of heart attacks;

Whereas men die of heart disease at almost twice the rate of women;

Whereas men die of cancer at almost 1½ times the rate of women;

Whereas testicular cancer is one of the most common cancers in men aged 15 to 34, and, when detected early, has a 95 percent survival rate;

Whereas the number of cases of colon cancer among men will reach over 55,000 in 2007, and almost ½ will die from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas the number of men developing prostate cancer will reach over 218,890 in

2007, and almost 27,050 will die from the disease;

Whereas African-American men in the United States have the highest incidence in the world of prostate cancer;

Whereas significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if men's awareness of these problems was more pervasive;

Whereas more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100 women outnumber men 8 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as prostate specific antigen (PSA) exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of these problems in their early stages and increase the survival rates to nearly 100 percent;

Whereas women are 100 percent more likely to visit the doctor for annual examinations and preventive services than men;

Whereas men are less likely than women to visit their health center or physician for regular screening examinations of male-related problems for a variety of reasons, including fear, lack of health insurance, lack of information, and cost factors;

Whereas National Men's Health Week was established by Congress in 1994 and urged men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the Governors of over 45 States issue proclamations annually declaring Men's Health Week in their States;

Whereas, since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the Nation, that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Internet website has been established at www.menshealthweek.org and features Governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and

Whereas June 11 through 17, 2007, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved, That Congress—

(1) supports the annual National Men's Health Week; and

(2) calls upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

ARMY SPECIALIST JOSEPH P. MICKS FEDERAL FLAG CODE AMENDMENT ACT OF 2007

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 191, H.R. 692.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 692) to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. Mr. President, it is critically important that each time a soldier, sailor, airman, or marine is lost in battle, their families, friends, and communities are shown the respect and support of a grateful nation. Tragically, Michigan has lost more than 135 heroes in the wars in Iraq and Afghanistan. One of the most powerful ways we honor those who have made the ultimate sacrifice for our country is to fly the flag they fought under at half-staff.

On many occasions during the course of the wars in Iraq and Afghanistan, Governors around the country have issued proclamations for State agencies and residents to lower our Nation's flag to honor fallen servicemembers from their States. Many Federal agencies in those States comply with such proclamations, but some have not. To those mourning the death of a loved one, this inaction can be hurtful and interpreted as indifference to their loss. I know my colleagues will agree that this is certainly not the message our Government wants to send to the families of our men and women in uniform.

This legislation would prevent this situation by giving Governors the explicit authority to order our Nation's flag lowered to half-staff when a member of the Armed Forces from their State dies while serving on active duty. It would also require federal agencies in that State to lower their flags consistent with a Governor's proclamation. The House of Representatives passed identical legislation on May 15. I am pleased that my colleagues support this legislation so that all levels of our Government will send a clear and consistent message when members of our military are killed in the course of their service to our country.

One of my greatest honors as the chairman of the Senate Armed Services Committee is to spend time with our troops, and they are as courageous, honorable, and capable a fighting force as the world has ever known. These men and women have made a commitment to protect our Nation. We need to make an equally strong commitment to honor them when they make the ultimate sacrifice for our country. We owe our fallen soldiers, their families, and their communities a unified showing of respect.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 692) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR FRIDAY, JUNE 15, 2007

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Friday, June 15; that on Friday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day, and the Senate then resume consideration of H.R. 6, comprehensive energy legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. NELSON of Florida. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:13 p.m., adjourned until Friday, June 15, 2007, at 9:30 a.m.